Who Killed Swami Laxmananda?

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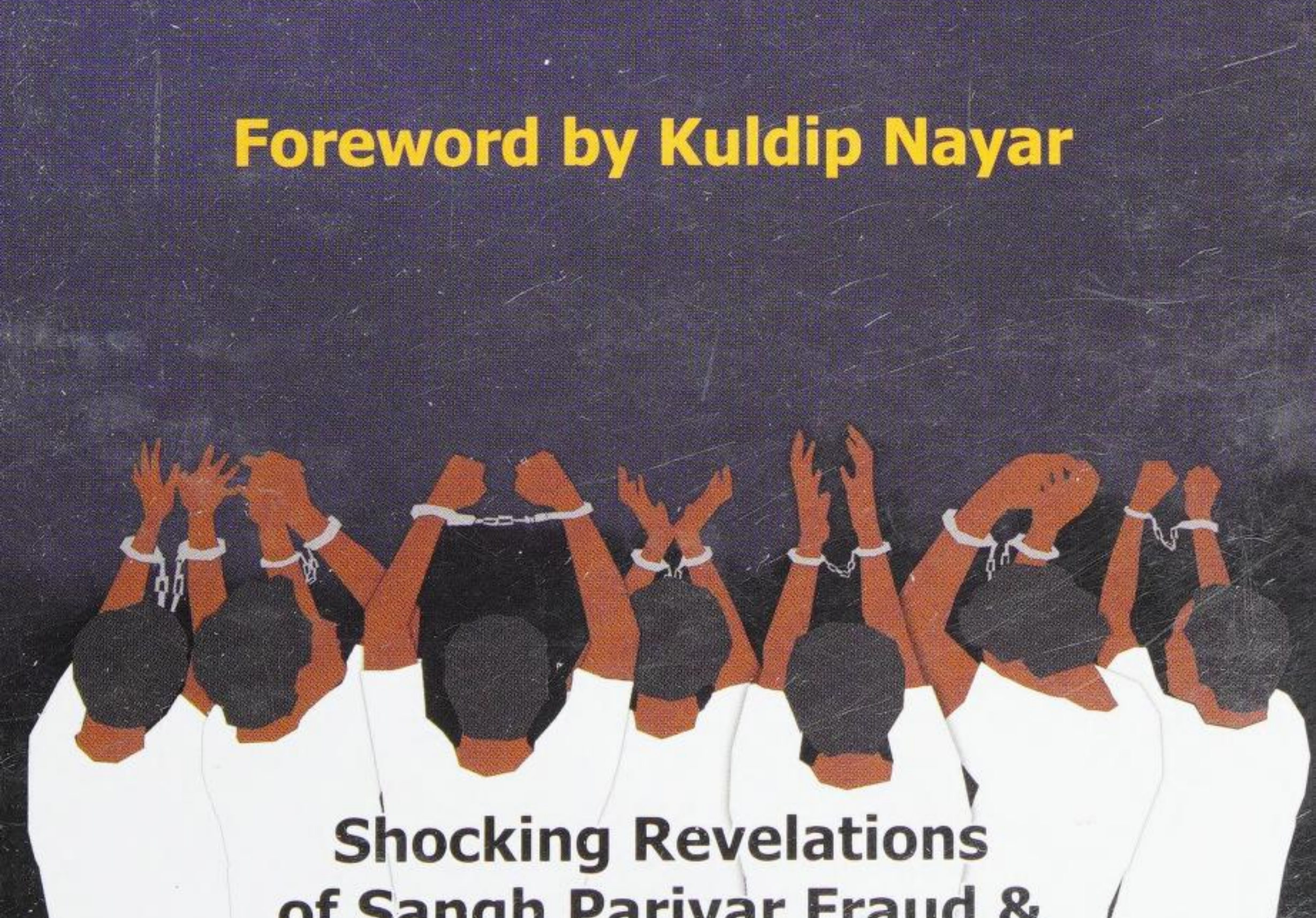
Anto Akkara

Foreword by Kuldip Nayar



Shocking Revelations
of Sangh Parivar Fraud &
Travesty of Justice in Kandhamal

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With masters in English literature, post graduate diploma in journalism and LL.B from Delhi University, Anto Akkara has been a journalist with international media for over a quarter century. The author has reported extensively from hotspots in South Asia on human rights, religious issues and social problems, winning over a dozen national and international media awards in the process.

Akkara stirred the national conscience with his investigative book *'Kandhamal - a blot on Indian Secularism'* within seven months of the communal conflagration. Veteran journalist Kuldip Nayar described it as *'a must-read book'* at its launch in New Delhi in April 2009. During the release in Bangalore, Justice M F Saldana commented that given the objectivity of the book, it should be treated as an *'official report'* and urged the government to act on it. Late K G Kannabiran, president of the People's Union for Civil Liberties, hailed the book as *'a chargesheet on Kandhamal'* during the launch in Hyderabad.

Home Minister P Chidambaram who visited Kandhamal soon after receiving the book from the author, told the Parliament on July 15, 2009 that what had happened in Kandhamal was *'a blot on the face of Orissa'* – quoting the title of the book.

On the 5th anniversary in 2013, Akkara brought out *'Kandhamal craves for Justice'* drawing national attention to the travesty of justice. While Justice Ajit Prakash Shah, former Chief Justice of Delhi, remarked that *"The book has a story to tell"*.

For his *'stellar work'* on Kandhamal, the author was conferred in 2013 the prestigious *Titus Brandsma Award for Journalism*, instituted in memory of Dutch journalist who was incarcerated by the Nazis for writing an editorial against Hitler and died in the Dachau concentration camp in 1942.

With the investigative book *'Who Killed Swami Laxmanananda?'* released in May 2016, the author exposed the Sangh Parivar fraud behind Kandhamal that has led to seven innocent Christians being fraudulently convicted to life imprisonment by the subversion of the justice delivery system.

To take the stunning findings on the Kandhamal fraud to logical conclusion, the author has been anchoring an online signature campaign for the release of the 7 innocents languishing in jail with www.release7innocents.com

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Veritas India Books

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Dedication

In a globalised world where human lives have been reduced to commodities to be exploited for greater goals, this book is dedicated to all those have laid down their lives in defence of truth and justice for the voiceless in the country including bold journalist *Gauri Lankesh* who stood with me at the release of the first edition of this work on July 23, 2016 in Bangalore.

Despite an elaborate judicial system in place, thousands of innocents have been trapped in trumped up cases foisted on them by the mighty by hook or by crook. The travesty of justice that has been perpetrated in Kandhamal district of Odisha – elaborated in this work – shows how non-state actors can circumvent and throw constitutional guarantees and safeguards to the winds in the world's largest democracy.

The pursuit of truth and justice in oppressive situations beckons dedicated defenders to stand up for the voiceless incarcerated by the mighty. May their tribe flourish!

Acknowledgement

For this investigative chronicle on Kandhamal conflagration, which unravels the fraud behind it and the injustice heaped on a voiceless people, I am indebted to scores of fearless individuals who have accompanied me in the pursuit of truth and justice even at the risk of their lives.

I acknowledge with gratitude the cooperation of the tormented Christians and their leaders, action groups and human rights activists during my 25 trips over nine years to the far corners of Kandhamal.

While the families of the victims and survivors of the pogrom came forward boldly to share their woeful stories, concerned Hindus and government officials have also shared vital information to scrutinise the protracted violence and the cover-up of the fraud.

The valuable documentation and inputs that Christians and others gathered painstakingly in hostile conditions have been of immense help to unearth and track some of the shocking and disconcerting facts that dubious actors have tried to brush under the carpet.

I am also grateful to all those who have facilitated the production of this investigative book.

Thank you, one and all.

Foreword

Books relating to the Partition narrate only what happened to Hindus or Muslims. It is understandable because India was divided on the basis of religion. Muslims had demanded a homeland of their own. The British, before quitting, drew a line on the basis of religion, integrating the Muslim majority areas into a separate country, Pakistan.

One thought that after the Partition, the distance between the Hindus and the Muslims would diminish. But it has not been so. Both communities still carry the baggage of the Partition when over one million were butchered and nearly 40 million were uprooted from both sides.

The way in which the Hindutva supporters spread terror in Odisha indicates primarily the weakening of the secular ethos.

The atrocities and the fraud committed in Kandhamal in 2008, now brought to the fore, may irk the conscience of people even belatedly. If it does happen in the case of many and make them assert themselves against the communal forces, Anto Akkara, the author of the investigative book *'Who killed Swami Laxmanananda?'*, would have contributed a lot to pluralism, which sustains the structure of democracy.

Soon after the Swami's murder, four Christians including a 13-year old illiterate boy were picked up, thrashed and dumped in police stations. Vishva Hindu Parishad leader Praveen Togadia announced the names of 'Swami's killers'. That was how the story of the 'Christian conspiracy' behind the Swami's murder was spread.

When the police could not fix the 'first batch of killers' who had been detained for weeks, they were made to sign an affidavit declaring that they had taken 'shelter in police station' due to fear.

The author must have faced many obstacles in unearthing the shocking facts brought out in this work. But this is the price one has to pay to get at the truth.

The perpetrators of death, rape and arson during riots have escaped with no or very little punishment. The entire episode of Kandhamal requires another look even though it is late. The gravity of such incidents should never be diminished or hidden. They must be publicised so as to make the nation realise how it is slowly and gradually slipping into the maelstrom of communalism, hatred and enmity from which it would be difficult for the people to extract themselves out.

The idea of India for which thousands of people have sacrificed their lives is endangered once again. If the guilty are brought to the book it may be possible to regain faith in the Indian Constitution that consecrates the freedom struggle and ensures every Indian citizen is equal before the law. Secularism may also begin to breathe again. Otherwise, the lengthening shadows of communalism may darken the nation's future for a long time to come.

Kuldip Nayar
Veteran Journalist and Author

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Preface

Would you believe that the ground zero of one of the shocking frauds in the history of independent India was the remote jungle district of Kandhamal in Odisha? Passionate intellectuals and human rights activists would remember how Kandhamal went up in flames and the Christians were hounded up like aliens in late 2008. But, an overwhelming majority of Indians have dismissed the Kandhamal conflagration as a footnote in the annals of history.

No, Kandhamal is a pestering wound in the body politic of the Indian Republic that was born with the infamous partition of 1947. Kandhamal carries the yoke of an appalling fraud and travesty of justice making a mockery of the fundamental freedom guaranteed under the Constitution. If you are not convinced, kindly search for '*Kandhamal and Parker*' on the internet. Then the skeleton of this appalling fraud would tumble out.

Following the mysterious murder of 81-year-old Swami Laxmanananda Saraswati on August 23, 2008, Kandhamal went up in flames. Dozens of Christians were killed and 300 churches and 6,000 houses were plundered in unabated violence rendering 56,000 homeless. Nine years later, the lives of thousands of the victims lie shattered like broken glass across sprawling Kandhamal.

Swami Laxmanananda was assassinated on the Hindu sacred night of Janmashtami. Curiously, the trusted bodyguard of the Swami was missing on the day and police guards ran away when the assailants entered the Ashram. Doctors who were rushed to the Ashram in the jungle from far off centres were asked to 'hurry up' with the token post mortem held in the Ashram compound itself in the night. Even before the sunrise, preparations were

complete for the zigzag funeral procession crisscrossing Kandhamal for two days calling for revenge on Christians.

Within hours of Swami's murder, four Christians including a 13-year old illiterate boy were picked up by Saffron henchmen, thrashed and dumped in police stations. Vishva Hindu Parishad (VHP) leader Praveen Togadia announced the names of 'Swami's killers', and not the police. That is how the nation was fooled about the 'Christian conspiracy' behind the Swami's murder.

When the police could not fix the 'first batch of killers' who had been detained for 40 days, they were let off with an affidavit: "Due to fear, we had taken shelter in police station."

Then the investigation team arrested the 'second batch of killers' - 7 innocent Christians from remote Kotagarh jungle in two batches. During four years of trial of the accused in the Fast Tract Court, hardly any worthwhile evidence was brought before the two judges. Biranchi N Mishra, the Fast Track Court judge who had presided over the final two years of the trial, was transferred in 2013 before delivering the verdict.

Was it because the judge had pulled up the prosecution several times prodding why they wanted to keep the accused in detention and even recorded that the conduct of the Investigating Officer was 'deplorable'? Ironically, the Investigating Officer Santosh Kumar Patnaik was conferred with the *Police Medal* after the judge made this adverse remark.

The shocking verdict - convicting the 7 accused Christians to life imprisonment - was delivered abruptly by a newly appointed third judge in October 2013. Their bail plea was bluntly dismissed by the Odisha High Court in 2014 and the appeals are yet to be heard.

Two years after this conviction, the same police officers who had ensured the conviction of the innocent Christians told the Justice Naidu Commission of Enquiry that the much trumpeted 'Christian conspiracy' theory was baseless.

While pursuing the poignant saga of seven Christians - six of them illiterates - being tried for the sensational murder, I stumbled upon this mammoth fraud from secret RSS (Rashtriya Swayamsevak Sangh) creations on Kandhamal. Ram Madhav, RSS spokesperson, had gifted - foolishly or arrogantly - this vital set of documents to Archbishop Andrews Thazhath of Thrissur, head of the Kerala Catholic Church, during his visit 'to promote harmony' in 2012.

Since the church official was well aware of my passion for Kandhamal, he handed over the vital documents to me promptly. Believe it or not, I happened to be at home in Thrissur on a family emergency and I had contacted the church official with a news query minutes before Madhav arrived. This RSS gift paved the way for blowing the lid off the Kandhamal fraud.

After screening these documents, I was convinced that an octopus had been at work behind the Kandhamal fraud and travesty of justice, and had been on its trail. Three years after I got the golden treasure, the explosive value of the RSS products stuck me. That was when I succeeded in verifying that the contact address of dubious India Foundation - that was behind the fake books and DVD on Kandhamal. It was a flat owned by none other than Ajit Kumar Doval, appointed as National Security Advisor of the nation by Prime Minister Narendra Modi on assuming office after winning the election in May 2014.

Among the various India Foundation products was a dubious book on Kandhamal that had been published under different titles and fake 'US authors' Michael Parker and Brannon Parker. The first one *'Harvest of Hate - Kandhamal in Crossfire'* carried a *'Publisher's Note'* by India Foundation director Nirmala Sitharaman' who is presently a minister under Prime Minister Modi. The second book *'Kandhamal Burning - Orissa in the Crossfire'* had been even presented to the US State Department to fool it with the Sangh Parivar propaganda.

Another masterpiece from the India Foundation that can be dubbed as 'saffron truth factory' is the DVD titled *'The Agony of*

Kandhamal. The DVD that masqueraded Hindus as the victims and that too by forging testimonies of battered Christian victims betrayed the real agenda behind the Swami's murder. Kandhamal conflagration was the outcome of an elaborate conspiracy to test the Christian allegiance of Sonia Gandhi of Italian Catholic origin, then chairperson of UPA (United Progressive Alliance) government led by Prime Minister Manmohan Singh.

Shockingly, even the National Human Rights Commission has played a dubious role in the Kandhamal cover-up. The nation will be stunned to know that despite the massive bloodshed and brutality heaped on a hapless minority, NHRC has not issued even a press release on Kandhamal in nine years while its investigative reports on the violence read like press release of the Sangh Parivar.

This book is a collection of alarming facts that I have stumbled upon or unearthed during 23 arduous trips to Kandhamal and elsewhere in the pursuit of truth and justice while accompanying a voiceless people.

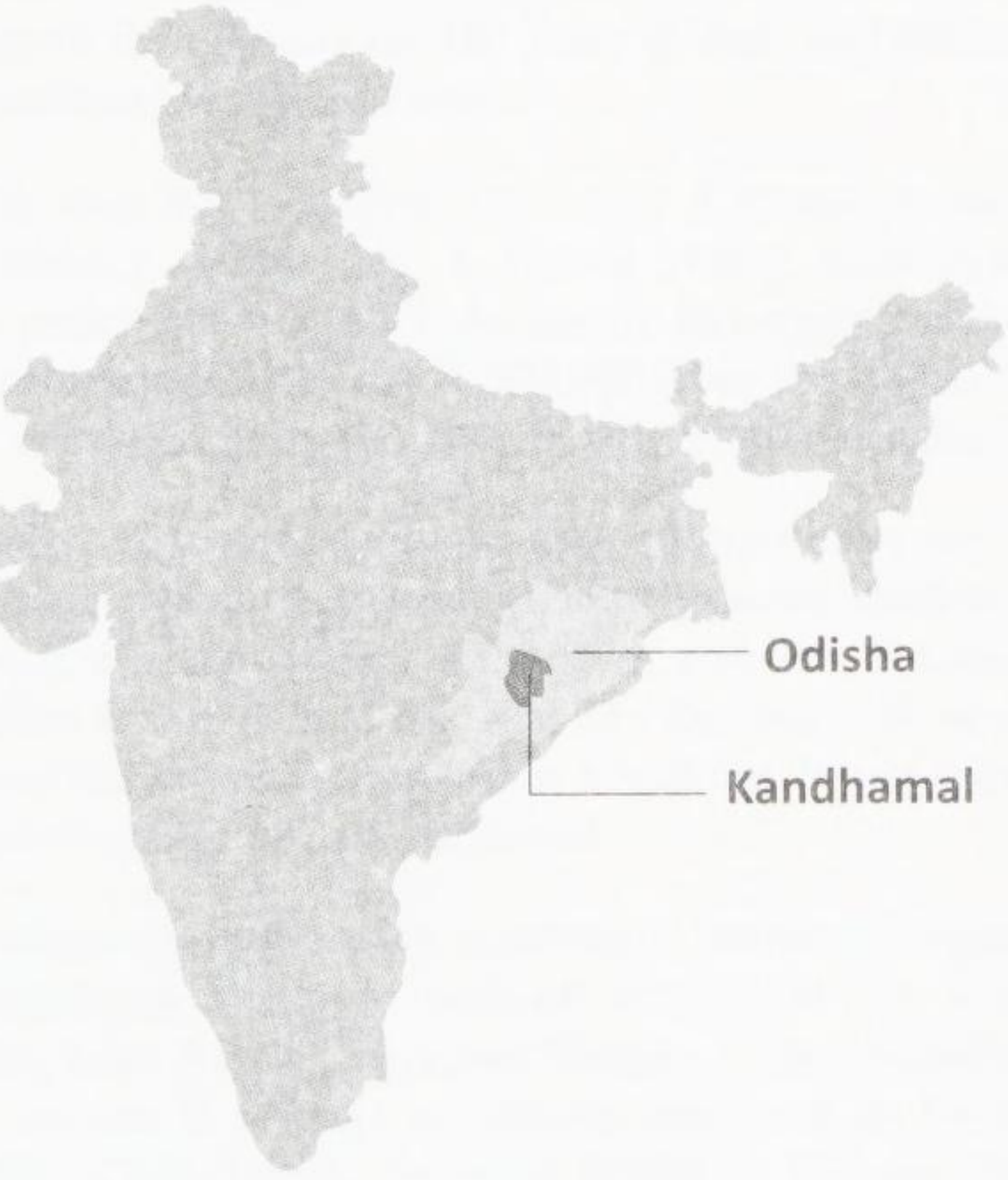
The saffron truth factory led by an 'octopus' have worked meticulously to perpetuate the fraud and the travesty of justice. But, the 'harvest of hate' from bloodied Kandhamal has been frustrating for the Sangh Parivar as the refrain among the Hindu majority of Kandhamal is: "*We have been fooled.*"

Though the Sangh Parivar denounces him, Kandhamal has indeed proved right Mahatma Gandhi, the prophet of non-violence and the Father of the Nation: *"What is obtained by hatred proves a burden in reality for it increases hatred."*

Sadly, seven innocent Christians are languishing in jail for a crime they never committed - leaving a blot on the judicial system of the country. Truth cannot be kept under the carpet for ever. As the motto of the nation proclaims, *'Satyameva Jayate'* (truth alone triumphs).

Anto Akkara

Kandhamal



My Engagement with Kandhamal

Telling people's stories has been my passion. In the infancy of my journalistic career in New Delhi, I had the privilege of my feature article on a forgotten custodial death in Kerala being published in all the editions of *The Times of India* in 1991 under the title *'Sometimes, dead men tell tales'*.

I could not stop with writing that story. I accompanied the distraught elderly parents of a Hindu young man brutally tortured in police custody until the family in penury received a compensation order in 1997 for ₹ 300,000 from the Kerala High Court with the collaboration of Jananeethi (People's Justice).

As a journalist covering South Asia for international media, I have covered devastating calamities like tsunami, earthquakes and floods, apart from being in ground zero of the bloody ethnic conflict in Sri Lanka, the Maoist rebellion and birth of democracy in Nepal and repression in Myanmar. It was with the same passion that I went to Kandhamal.

India has witnessed quite a few communal carnages beginning with the infamous Partition riots of 1947. But the diabolic violence in Kandhamal remains unique. The Kandhamal holocaust was not a carnage or riot as witnessed in Nellie in Assam (1983), Delhi (1984), Mumbai (1992) or Gujarat (2002). The goal of saffron foot-soldiers was not to harm the Christians. Since Christians who believed in a 'foreign faith' had killed 'our Swami', they bluntly told the Christians: "You have to embrace our faith to live in this Hindu country."

What unfolded in Kandhamal was the ugliest form of *'ghar wapsi'* (home-coming – reconversion) that made international headlines

soon after the BJP government led by Prime Minister Modi assumed office in May 2014.

Most of the Christians who were sadistically murdered had been offered an option to escape death by renouncing their faith. When they defied the diktat, the saffron zealots turned more brutal than the Nazi Gestapo. Those who refused to forsake Christian faith were put to the sword, chopped into pieces, burnt alive or crushed with boulders.

My journalistic confrontation over unacknowledged murders with the deputy collector of Kandhamal at the Nuagam refugee camp on 2008 Christmas eve got me sucked into the Kandhamal crusade. The deputy collector Dr Vineel Krishna brazenly dismissed the unacknowledged murders as 'cooked up stories' to claim compensation. That provoked me to write *'Kandhamal – a blot on Indian Secularism'*, released in April 2009, after half a dozen trips to the jungle district of Kandhamal – over 200-350 km south-west of Bhubaneswar - Odisha capital.

Following this expose that was widely reported in the media, the Odisha government conceded four unaccounted murders that had been highlighted in the book with an affidavit in the Supreme Court.

The book also laid bare before the nation that the bloodshed in Kandhamal was not the 'spontaneous Hindu reaction' to the Swami's murder – a claim upheld by a section of the media in the country even after nine years. It was indeed a meticulously planned and executed conspiracy with the murder carried out on Janmashtami night to trigger collateral damage.

On the fifth anniversary, I came out with *'Kandhamal craves for Justice'* after 16 trips to the remote district. It probed deeper into the brutal killings, the plight of hapless refugees, orchestrated propaganda, callous response of the administration and the shocking silence of even the National Human Rights Commission (NHRC) on Kandhamal. The administrative and constitutional machineries had been taken for a ride by an octopus with its tentacles dug deep into the edifice of the nation.

During my first visit to the Fast Track Court in Phulbani in late 2009, I was stunned. Manoj Pradhan – an MLA elected from behind bars as candidate of India's 'true secular party' after being arrested under National Security Act and charged with seven murders – was sitting at the entrance of the court surrounded by a crowd of lawyers.

No wonder, there were only two convictions for murder under Section 302 of Indian Penal Code (IPC) from the 30 murder trials in which the two Fast Track Courts had delivered verdicts before these courts were shut down in March 2013. The fact that even widows – whose husbands were butchered before their eyes – had turned hostile in the court spoke volumes about the pressure the witnesses faced in the trial court where the police on duty too had been threatened.

These shocking facts had been brought to light in my book titled '*Kandhamal craves for Justice*' demanding an impartial inquiry by the NIA (National Investigation Agency) into Kandhamal. Eminent speakers reiterated this demand during the release of the investigative book at the Constitutional Club in New Delhi on August 23, 2013.

Within a few weeks, the much awaited judgment in the Swam's murder came: all the seven accused Christians – six of them illiterates – were found guilty by newly appointed Additional Sessions judge Rajendra Kumar Tosh on September 30, 2013 after a couple of hearings. On October 3, all the seven accused Christians were convicted to life imprisonment despite the prosecution having produced hardly any credible evidence during the over four-year trial.

The alleged Beticola church resolution (reproduced in full in pages 201 and 202) – that was alleged to have been passed by the Catholic parish of Beticola on May 25, 2008 to assassinate Swami Laxmanananda on Sri Krishna Janmashtami day – was relied upon by the judge to conclude that there was a Christian conspiracy behind the Swami's murder.

However, Santosh Kumar Patnaik, Additional Superintendent of Police, Crime Branch, in his deposition on June 25, 2015 before the Justice Naidu Commission of Enquiry declared that the controversial resolution was forged.

Ironically, this deposition has come from the same officer who had spearheaded the investigation into the sensational murder and had cited the same resolution as vital proof to establish the Christian conspiracy behind it. The judge who convicted the accused seven Christians on the basis of the resolution – that was later proved to be 'forged' in scientific testing – and other 'evidences' had lavishly praised the same officer who had been decorated with the *Police Medal.*

The uncharacteristic judicial language in the opening paragraph of the 37-page judgment itself poses serious questions. Despite the lack of credible evidence during the trial in the Fast Track Court, the seven accused Christians were found guilty and convicted to life imprisonment by the new Judge.

A close scrutiny of the judgment would dismay anyone. While the prosecution claimed to have seized two guns from the houses of the accused, the judge raised the number of guns to three and even named an accused from whose house even the seizure list made no mention of the gun being seized.

Despite appeals being filed within weeks in the Odisha High Court on behalf of the seven 'innocent' Christians who were convicted on the testimony of 'hired witnesses', as the appeals point out, the hearing on these petitions has been postponed repeatedly.

Every miscarriage of justice is built around a fraud or falsehood. Stuck by the contradictions in the judgment, journalistic instinct prompted me to meet the kin of the convicted Christians as many as four times over a year to confirm that they were telling the truth. In the process, I also visited their houses and Hindu neighbours in the remote jungle villages around Kotagarh – 130 km from Phulbani.

The Hindu neighbours of the convicts vouched for their innocence and recounted how some of them had been in their houses at the time when they were alleged to have murdered the Swami.

Shockingly, the investigating teams that cooked up the fairy tale evidence against the accused had never visited the villages to verify the charges against the accused after arresting them. One of the Hindus told me: 'Sir, please tell us how we can help and ask for his release?"

This great nation, I hope, will wake up to the fraud and the travesty of justice in Kandhamal exposed in this book.

Kandhamal went up in flames nine years ago and it is history for many. I prefer not to bombard the readers with frequent cross references to my earlier book '*Kandhamal craves for Justice*' chronicling the Kandhamal saga which was released on the 5th anniversary and updated subsequently.

For facilitating better understanding of what had happened, the gist of that book is included here with updates in *Part I* under the title *'What happened in Kandhamal?'* Those who are keen to dive deep to fathom the travesty of justice may go through the entire work.

The shocking verdict in the Swami's murder case and the alleged 'Beticola church resolution' can be accessed in *'Documents'* at the website **www.release7innocents.com**. This website has been set up for online signature campaign for the release of the seven innocent convicts languishing in jail.

(Note: Surnames like Digal, Kanhar, Nayak and Pradhan are common in Odisha. Hence wherever such names figure, only the first (good) names are used in subsequent references to avoid confusion.

The clumsy language in the quotes with confusing spellings have been retained to prove the authenticity of the court verdict as well as other documents cited.)

Part I

What happened in Kandhamal?

1

Funeral procession triggers anarchy

The idyllic mountain district of Kandhamal, meaning 'land of Kandhos', went up in flames in the orgy of violence that was unleashed by Hindu fundamentalists. The conflagration was triggered by the murder of Swami Laxmanananda who was shot dead on August 23 in his Ashram at Jalespata.

Though Maoists claimed responsibility for the murder, the saffron parivar branded it as a Christian conspiracy. Soon armed mobs were out targeting Christians for weeks with the police and government mandarins doing little to curb the orgy of violence. The widespread violence left nearly 100 Christians dead, 6,000 houses looted and destroyed – displacing 56,000 Christians – along with 300 churches and Christian institutions.

Hindu nationalists justified the carnage and the mayhem as a 'spontaneous reaction' to the murder of Swami Laxmanananda. But scrutiny of the witch-hunt against the Christians clearly showed that the anti-Christian conflagration had been planned and coordinated by saffron outfits with precision.

Had the orgy of violence been 'spontaneous', the worst attacks should have been on the Christians and their houses around the Ashram at Jalespata where the Hindu leader was brutally murdered.

Apart from the 81-year old Swami being chased and shot dead by masked gunmen in his bathroom, Mata Bhaktimayee, Krutananda Baba, and Kishore Baba – three of his associates at the Ashram – as well as Puranjana Guntha, relative of a student

at the Ashram, also perished in the attack. Yet, none of the 500 Christian houses around Kurtamgarh, close to the Ashram, was attacked. Similarly, the Christians of nearby Tumudibandh town – that was only four km away – also did not have to run for their lives.

On the contrary, the violence began only after the body of the slain Swami was taken across Kandhamal like a victorious team parading its trophy in the remote jungle district where half of the 648,000 population was illiterate. Accompanied by thousands of Hindus and slogan-shouting zealots, the funeral procession meandered through even obscure villages for two days to incite the primordial passion of revenge in one of the least developed districts of Odisha.

Shockingly, this massive funeral procession, led by prominent Sangh Parivar leaders, was taken out in defiance of the curfew that the district administration had imposed following the Swami's murder.

Anyone could have guessed how the saffron outfits, that have been a law unto themselves in Kandhamal for decades, would have reacted when their leader was killed.

However, beyond declaring the token curfew, the government did nothing to stop the funeral procession that was taken out in defiance of the rule of law in the communally volatile region where attacks on Christian targets had been frequent.

"They wanted to make a spectacle of it, and were prepared – as events were to prove – to take full advantage of the passions that would arise. They did not even go by the shortest route, but meandered across (Kandhamal)," pointed out the investigative study *'From Kandhamal to Karavali: The Ugly Face of Sangh Parivar'*.[1]

Foreseeing danger, the administration should have tried its best to douse the communal passions. But the inert government

1 *'From Kandhamal to Karavali: The Ugly Face of Sangh Parivar'*, Human Rights Forum, page 28

machinery let the fundamentalists have a free hand to incite their cadres to execute the anti-Christian agenda.

The Odisha government suspended Nikhil Kumar Kanodia, the police chief of Kandhamal, immediately after the murder of the Swami for his failure to provide security to the slain Hindu leader. Despite fears of widespread violence during the bandh called by saffron outfits, the government did not appoint anyone to the key post. Government officials allowed the funeral procession to be taken across Kandhamal "being fully aware of what is to happen on the next day," noted another fact-finding report titled '*Kandhamal in Chaos: an account of facts*'.[2]

"This . . .indicates that the state government had not only 'failed' to prevent violence but also deliberately created a situation wherein the communal attacks the following day would be intensified and the damage maximised," alleged the action group MARG in its critical investigation into the mayhem titled '*Kandhamal – the Law Must Change its Course*'.[3]

Funeral procession across Kandhamal

Instead of following the main road to the Ashram at Chakapad, the saffron leaders ensured that the procession would wind its way through areas where they could whip up communal passions and set their cadres on Christian targets.

A mere glance at the route map of the funeral procession would indicate that the Kandhamal administration should never have allowed the procession to be taken around for two days along a puzzling route. The distance of 250 km could have been reduced by nearly one third and the procession completed in a few hours had the shortest route and better roads been taken.

Even from Raikia to Udaigiri, the procession did not proceed along the main road and was instead diverted via Mondakia which

2 '*Kandhamal in Chaos: an account of facts*', Jan Vikas, page 13
3 '*Kandhamal – the Law Must Change its Course*', MARG, page 52

did not have a road worth the name. Similarly, the procession wound its way along gutter-like roads from Udaigiri traversing obscure villages on the way to Sarangod.

Funeral procession route map

Perhaps, the saffron lobby wanted a halo of dust to be raised along the route of the funeral procession. While the distance between Udaigiri and Tikabali was mere 15 km, the procession proceeded on a round-about route, covering 90 km to reach the same destination.

As the procession moved at a snail's pace along the zigzag route, the atmosphere became frenzied with vitriolic saffron leaders delivering provocative speeches against Christians.

The result was that the worst of the attacks on the Christians took place in the villages under Nuagam, Raikia, Tikabali and Udaigiri Blocks. The puzzling route of the funeral procession explained why three-fourths of the 6,000 Christian houses that were looted and torched were in these areas.

"It was on this route that anti-Christian violence and destruction of churches and damage to the property of Christian community took place," wrote social activist Ram Puniyani in his syndicated column on the occasion of the fifth anniversary of the Kandhamal violence.[4]

It would be certainly presumptuous to blame the Kandhamal bureaucracy for this grave lapse. Local government officials would not have dared to perpetuate such a farce on the nation unless the political masters controlling the state machinery had given them clear instructions.

The National Commission for Minorities (NCM) after its September 11–13, 2008 visit to Kandhamal stated this clearly: "It was obvious that public reaction to the murder of a prominent religious leader like the Swami would be extreme. Yet, when options to be followed after the murder were being considered, there is little evidence that high level political and official leadership offered guidance and support to the local district administration."[5]

Repetition of Godhra procession

The funeral procession of Swami Laxmanananda across Kandhamal was a repetition of the infamous parade of the charred bodies from the Godhra train torching. Following the torching of a sleeper coach of the Sabarmati Express at Godhra on February 27, 2002, government officials had ordered the handing over of the charred bodies of karsevaks who were returning from Ayodhya to the VHP instead of the relatives of the victims.

Mihir Desai, counsel for Zakia Jaffry, widow of the former Congress MP Ehsan Jaffry who was killed in the subsequent

4 *'Kandhmal Carnage: Aftermath'*, Ram Puniyani, Issues in Secular Politics III, August 2013

5 Report of National Commission for Minorities' visit during 11-13 September, 2008, para 8, page 2

riots, made a serious allegation that there was plenty of evidence to suggest that there was a State-sponsored conspiracy to expand the aftermath of the Godhra train burning incident across Gujarat.[6]

Desai, *The Hindu* report said, tore apart the SIT (Special Investigation Team) report that gave Gujarat Chief Minister Narendra Modi a clean chit in the 2002 riots and pointed out that there was a conspiracy from day one – February 27, 2002 – to spread the outrage over the Godhra incident across the length and breadth of Gujarat.

The VHP had given the call for a Gujarat bandh on the day the Godhra train-burning occurred. The very same day, evidence suggests, a decision was taken at the highest level, in the presence of the Chief Minister, who had arrived in Godhra, to hand over the bodies of the dead to VHP general secretary Jaideep Patel and his assistant Hasmukh Patel. The bodies were brought to Ahmedabad in four trucks and one tempo van.[7]

"The very decision to hand over the bodies of those killed in the Godhra train carnage to VHP office-bearers and then allowing them to parade them in Ahmedabad smacks of a conspiracy to spread violence across the State," Mr. Desai argued. He contended that "all this cannot be treated as an administrative lapse, but is a deliberate action" to whip up communal passions across the State, the report added.[8]

Togadia escorted to Kandhamal

Soon after the murder of Swami Laxmanananda, the MARG study also pointed out, senior leaders of the Sangh Parivar were allowed to enter Kandhamal.

6 *'It's State-sponsored conspiracy from day-1 but SIT ignored it, says Zakia'*, The Hindu, July 26, 2013
7 Ibid
8 Ibid

"Praveen Togadia – the general secretary of the VHP (Vishva Hindu Parishad) and a person known for his inflammatory speeches against Christians and Muslims, arrived in Kandhamal within 24 hours of the killing," the MARG study pointed out.[9]

The study cited an example of Togadia's speech as follows: *"They (Christians) eat cows. We (Hindus) worship cows…people who eat cows should be given the same treatment that they give the cows."*[10]

"Even if the state administration had not been able to anticipate the killing of the Hindu leader, it could have certainly anticipated the consequences of the presence and speeches of Togadia, who has earlier been disallowed entry by various state governments into their territory because his speeches are designed to mobilise hate and incite violence.

The state government's due diligence in preventing the communal violence would have been evident had it prevented Togadia and other BJP leaders from entering the state. Instead, Togadia was allowed to visit Odisha at a very sensitive period, with police escort, and given a free hand. Togadia was allowed to travel the full distance of the funeral procession for two days and lead it, deliver inflammatory speeches throughout Kandhamal, spreading hatred and disharmony, and incite people to attack Christians, their property and places of worship," the study pointed out.[11]

On the contrary, it was shocking that the same government had declined entry to federal Deputy Home Minister Sriprakash Jaiswal to Kandhamal and even banned opposition parties of Odisha and activists from entering Kandhamal to see the ground reality.[12] That was only to ensure that the saffron agenda was carried out without interruption.

9 '*Kandhamal – the Law Must Change its Course*', page 57
10 Ibid
11 Ibid
12 '*Preventing Jaisawal from visiting Kandhamal is unfortunate: Cong*', Outlook, August 28, 2008

"The state government's failure to prevent Togadia from entering the sensitive area of Kandhamal in August 2008 stands in stark contrast to its issuance of prohibitory orders in March 2010, barring him from entering Kandhamal and is indicative of the selective use of its preventive powers. A similar exercise by the state government in 2008 could have saved many lives, property and prevented the trauma caused to many members of the Christian minority," the MARG study noted.[13]

The rational explanation for these contrary decisions of the Odisha government was that Hindu nationalist BJP was not part of the Odisha government in 2010 after the ruling Biju Janata Dal (BJD) dumped the saffron party in the aftermath of the Kandhamal conflagration.

Togadia's entry banned in 2015

In an unprecedented order on February 26, 2015, Dr N Thirumala Naik, the Collector and District Magistrate of Kandhamal banned the entry of Togadia, international acting president of the VHP from entering Kandhamal to attend its '*sammilani*' (conference) in Phulbani scheduled for February 28, 2015.[14]

The notification made no bones of Togadia's propensity to trigger communal hatred: "*Dr Praveen Bhai Togadia is in the habit of delivering inflammatory speeches which incite communal hatred and as a result communal harmony is greatly affected. Further, it is mentioned that he provokes activists which results in inflamed and communal violent reaction and spread communal hatred. It is also revealed from the report that in his recent Cuttack visit on 22.02.2015 he has made communally sensitive remarks.*

Therefore, considering the antecedents of Dr Praveen Bhai Togadia and the history of communal and ethnic violence in the district, I am of the considered opinion that the presence and movement of Dr Praveen Bhai

13 *Kandhamal – the Law Must Change its Course'*, page 57

14 Order of Dr N Thirumala Naik, District Collector and District Magistrate of Kandhamal, February 26, 2015

Togadia in Kandhamal district may create breach of peace and disturb the public tranquility," declared the District Magistrate in his order.[15]

If that was the case when Kandhamal was peaceful, why was Togadia allowed to lead the zigzag funeral procession of Swami Laxmanananda with thousands shouting anti-Christian slogans and that too, under curfew.

The bold step by the Kandhamal Collector could not be seen in isolation from the hate speech Dr Togadia had made during the hysteric procession paving way for the orchestrated and protracted anti-Christian violence with the guardians of law remaining mute spectators.

Church desecrated before police

The Collector and top police officials were present when the massive funeral procession was stopped in front of the Catholic church at Phulbani and it was desecrated on August 25 morning.

"They brought down the (church) compound wall and damaged the gate. After breaking into the church, the altar was desecrated. The whole church was vandalised and the windows were shattered," recalled Father Mathew Puthyadom, parish priest of the desecrated church. The mob also did not spare the new parish residence complex and destroyed valuables like fridge and other items. The police did baton charge the hooligans – as if they were to complete a ritual – only half an hour after the church desecration had been completed.

The 'saddest part', lamented Father Mathew who hid himself in a toilet as the mob broke into the church compound, was that "Everything took place with the Collector and the police officials remaining mute spectators. If they wanted, they could have prevented it."

Yet, the Odisha government had no qualms in claiming in the Supreme Court in early September 2008: "Following the murder of Swami Laxmanananda Saraswati and four others, the state

15 Ibid

government took all possible steps to maintain law and order and communal harmony and to provide adequate security to all the people."

But the truth was that several churches and Christian houses had been torched even before the procession of the slain Swami reached the burial place at Chakapad where he had opened his first centre in 1968.

Arson along funeral procession route

As soon as the funeral procession passed the gates of the sprawling Divyajyoti Pastoral Centre at Konjamendi on the Nuagam road, a mob of 500 people broke into the centre on August 24 noon. The armed mob carrying inflammable materials like petrol and explosives swung into action setting everything on fire, recalled Father Thomas Chellan, director of the largest church centre in Kandhamal.

In a desperate bid to save themselves, the elderly priest along with his assistant priest and a nun ran to the rear of the seven-acre compound.

Burnt Pastoral Centre

As the frequency of the blasts increased, Father Chellan became nervous and virtually gave up the bid to climb the high wall fitted with broken glasses. In the end, the young priest and the nun, already perched on top of the wall, managed to pull him up. All the three jumped over to the bushes in the nick of time before members of the mob reached the spot after combing the compound in their pursuit.

"It was heart-breaking for me to watch the entire complex go up in smoke," recounted Father Chellan who had supervised the construction of the complex that had been inaugurated in 2001. The centre – that could accommodate 200 guests with its two dozen rooms, large dormitories and other facilities – was the largest convention centre in the jungle district. It was often booked by social action groups and even government agencies to conduct programmes.

State government absolves itself

The Odisha government tried to wash its hands off the wanton folly and told the Supreme Court on October 17, 2008 that it had arrested 633 accused from 11,348 named in 784 FIRs.

"The main accused persons involved in commission or instigation of violence have been arrested irrespective of their religious or political affiliations. Raids are constantly being conducted to arrest the remaining accused persons," the Odisha government assured the apex court.[16]

Six months after this assurance to the Supreme Court, Kandhamal SP Praveen Kumar confirmed to me that the number of the arrested had remained static. Reliable government sources confided that the number of arrested 'remain the same' – hinting that the police had been asked not to make fresh arrests after the initial detentions.

16 Affidavit by Tarun Kanti Mishra, Principal secretary Home Dept, Odisha government, submitted before the Supreme Court on October 17, 2008

Lofty constitutional guarantees reduced to ashes

This farce was played out not in a banana republic or under a military regime out to carry out an ethnic cleansing. It was perpetrated in the largest democracy in the world – that prides itself as a 'Secular Republic' and guarantees to its people of diverse faiths the fundamental freedom to practise their faith freely.

These lofty fundamental rights were reduced to ashes along with thousands of Christian houses and hundreds of churches. The orchestrated violence and mayhem in Kandhamal would make those who drafted these constitutional guarantees turn in their graves.

The 'Preamble' of the Indian Constitution reads: **"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to** all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity…."

Article 25. (1) lays down: "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and **the right freely to profess, practise and propagate religion.**

To reinforce these rights, **Article 14** guarantees equality before the law: **"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."**

The dream of the Constitution-makers to ensure for posterity fundamental freedom and equality lay shattered in Kandhamal.

The government officials, who were duty bound to safeguard these guarantees, remained mute spectators to the bravado of the saffron foot-soldiers. In fact, the prolonged Kandhamal conflagration put on trial the secular credentials of the nation.

The Supreme Court bench headed by Chief Justice K G Balakrishnan minced no words while expressing its exasperation over the anarchy in Kandhamal. "*It is the duty of the state government to protect the minority community. You (State) have done that only after 50,000 people of the minority community fled to the jungles,*" the Supreme Court flayed the Odisha government on January 5, 2009.[17]

There is nothing wrong with those who drafted these constitutional guarantees. But the government and its machinery entrusted with the bounden duty to uphold the constitutional mandate failed miserably to uphold the rule of law and protect the vulnerable citizens in Kandhamal.

A damaged house in Gunjaibadi

"*What transpired is not a saga of failure of the state but its connivance in the butchering of Christians,*" pointed out the study on the violence

17 *'Quit if you can't help minorities: SC tells Orissa govt'*, CNN IBN, January 5, 2009

by the Odisha chapter of PUCL (People's Union for Civil Liberties) in collaboration with Kashipur Solidarity Group based in New Delhi.[18]

To prove the connivance of the state machinery, the study titled '*Crossed and Crucified – Parivar's War Against Minorities in Odisha*' quoted a report of the '*Samaj*' (Society) daily of March 21, 2009: "As per its hidden agenda, the BJP sowed seeds of hatred in Kandhamal....and the riots are a consequence of this... Being part of the (state) cabinet, the BJP leaders put pressure on the government not to arrest the perpetrators of the violence... This only reconfirms the connivance of the government in the violence for over two months."[19]

"Maybe, it is true. We do not know," P Chidambaram, the federal Home Minister, virtually confirmed to me the collusion of Odisha government in the Kandhamal violence when he was asked about the verbal 'order' of the Odisha government not to arrest the culprits. The Home Minister's diplomatic response came at an audience I had with him in his office on June 18, 2009 to present him my investigative book '*Kandhamal – a blot on Indian Secularism*'. Within a week, the Home Minister visited Kandhamal and later told the Parliament that the conflagration was '*a blot* on the face of Orissa', quoting the title of my book.

18 *'Crossed and Crucified – Parivar's War Against Minorities in Odisha'*, page 40
19 Ibid

2
'National shame'

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

Article 21 of the Constitution of India

The witch-hunt of the Christians in Kandhamal made Prime Minister Manmohan Singh acknowledge before the world that it was a 'national shame'.[20]

The Prime Minister was candid enough to use the phrase first when half a dozen Christian leaders led by Archbishop Raphael Cheenath, head of the Catholic church in Kandhamal, rushed to him on August 28 – four days into the orchestrated violence.

He had to repeat it before the international media during the Indo-European Union summit in Paris on September 30, 2008 when French President Nicholas Sarkozy, as chair of the European Union, quizzed him on the anti-Christian violence in Kandhamal.

When Rev Samuel Kobia, the general secretary of the World Council of Churches (WCC) – called on the Prime Minister earlier on October 18 in his office, Rev Kobia expressed 'deep concern' over the atrocities in Kandhamal. The Prime Minister, in turn, pointed out that the Constitution of India 'guarantees freedom to practise and propagate' one's faith and assured the WCC general secretary that the government would take measures to restore the confidence of the Christian community.[21]

20 *'EU raps India for church attacks'*, The Times of India, September 30, 2008

21 *"Christianity is part of our national heritage" Indian prime minister tells Kobia*, ENI, October 20, 2008

The killing of the Christians continued even after the Prime Minister made his anguish public over what was happening in Kandhamal. This showed to what extent secularism, equality before law and the much touted 'freedom of religion' guaranteed under the Indian Constitution came to the rescue of the Christians in times of trial.

Anyone who saw the pitiable condition of the refugee camps in Kandhamal would certainly agree that the Prime Minister's admission was no exaggeration. Etched in my memory is the sight of thousands of Christians living in open air camps under spartan tents in biting cold. In Nuagam camp, the inmates had lined up to collect the frugal meal on 2008 Christmas eve like beggars clutching utensils of various kinds.

Refugees waiting for food on 2008 Christmas eve at Nuagam camp

The fact that the administration could not even provide a set of plates to these refugees showed the callousness with which the government officials treated the homeless Christians. Worse still, many of them did not have proper warm clothes to fend off the winter chill.

Burning bodies to deny compensation

The diabolic agenda of the fundamentalists did not end with the sadistic torture and killing of the Christians who refused to renounce their faith. They burnt the bodies or dumped them in jungles or rivulets to ensure that the culprits would not be prosecuted for want of evidence. Apart from that, if there was no 'evidence' of the murder, it would also deny the compensation of ₹ half a million– ₹ 200,000 from the Odisha government and ₹ 300,000 from the federal government, to the dependant family.

This ploy worked as the government acknowledged only 32 murders initially citing lack of evidence in other murder cases while action groups had compiled lists of nearly one hundred Christians who had perished in the violence.

Even in the 32 murders that were initially acknowledged by the Odisha government, the death list noted that 'body not found – burnt' in as many as 10 cases. This proved the ingenuity of the butchers of Kandhamal who were careful to wipe out evidence of the murders.

FIR filed only if the body traced

"One particularly heart-rending experience in relief camps was the problem faced by those who lost their loved ones to violence but were unable to recover their bodies because these had been burnt or had been destroyed by wild animals," pointed out the NCM after its September 11-13, 2008, visit to Kandhamal.[22]

"Without the recovery of the body and a post mortem being performed on it, compensation promised to the next of kin of those killed in the riots is not given. The trauma faced by such persons can well be imagined. Not only have they lost their loved one (usually the breadwinner) but added insult to injury when relief (that had been) promised to them is denied for reasons beyond their control," pointed out the autonomous Commission.[23]

22 Report of National Commission for Minorities visit to Kandhamal, 11 to 13 September 2008, page 4, para 15

23 Ibid

While acknowledging that "government procedures do call for the recovery of the body and for the performance of a post mortem", the Commission recommended 'a more flexible approach' like relying on the testimony of eyewitnesses to the murder and insisting on indemnity bond from anyone receiving compensation for untraced bodies.

"But human suffering on such a massive scale should not be compounded by insistence on bureaucratic procedures," suggested the Commission.[24]

But the Kandhamal administration, that had condoned and virtually abetted the violence, paid little heed to this advice that was made in mid-September 2008 after which dozens of Christians had been killed. While the police refused to register murder cases in which the bodies were not found, government officials also rejected such plea for compensation to families whose dear ones had been killed.

The tragedy that befell Jubraj Digal, a catechist and an aspiring politician, was a clear example of this strategy. Jubraj was waylaid on December 16, 2008 near Ganjamendi while he was riding a motorcycle with his son Bidyadhar who managed to flee from the clutches of the assailants after climbing on to a tree in the dark. There was no trace of Jubraj or the motorbike when his son returned with the police.

A month after his disappearance, the police managed to trace Jubraj's bones in a rivulet after his body had been burnt secretly. The truth spilled out after interrogation of his Hindu business associate who had lured Jubraj to the route with an urgent telephone call late in the evening on that fateful day.

Lalita Digal had dared to go back to her Dodaballi village from the refugee camp at Nuagam on November 21. Lalita proceeded to the village to harvest her ripe paddy crop presuming that peace

24 Ibid

had returned. Two days later, Prakash Digal, her son who was in the refugee camp, was informed that his mother had been killed.

"When we went there, we could not find the body," said Prakash with tearful eyes. Villagers told the young man how his mother was killed and her body burnt. All traces of murder had been carefully wiped out when he visited the spot.

Stonewalled Asmita Digal in December 2008

The saffron foot-soldiers succeeded in their plan as the police and government officials refused to acknowledge the murders without tracing the body. When I confronted Deputy Collector Vineel Krishna on unacknowledged killings of Lalita Digal, Ishwar Digal and Rajesh Digal, the official dismissed them as 'cooked up stories' to claim half a million rupee compensation from the government.

When the initial list of 32 Christians who had been killed was released by the Odisha government in January 2009, the names of Ishwar, Lalita, Pastor Rajesh and Jubraj did not figure in it.

Dead body disappears when wife goes to police

When an armed mob landed in Gutingia village near Sarangod on August 25 morning, all the two dozen Christian families in the village fled to the jungle. The mob shouted at the Christians that unless they became Hindu, they would never be allowed set foot in the village.

The Christian families trekked several kilometres to reach the refugee camp at Udaigiri after starving in the jungle for four days in heavy rain.

Three weeks later, Runima Digal along with her husband Ishwar Digal went to her father's village leaving their four children in the refugee camp. The couple decided to pass through their village on their way back as they were eager to check on the remains of their looted house.

A dozen bigots were already on the lookout for Ishwar on hearing that he had returned to the house of his in-laws along with his wife. They could not find him despite checking all the buses that passed through the area on September 20. The couple was walking towards the main road to catch a bus to the refugee camp from Gutingia village when they came in the path of the same group that had been looking for Ishwar.

"How dare you return here without becoming a Hindu?" they asked and beat up Ishwar. "I was thrown away when I rushed to protect him. They killed him. I fell unconscious when I saw them cut his body into pieces. When I woke up, nobody was around. Only blood marks were left," recalled the 32-year old widow.

After recovering her senses, Runima went to the nearest CRPF camp at Papungia that was one km away, and narrated the ordeal to the officials. They accompanied her immediately to the spot where her husband had been murdered. Meanwhile, even the blood stains at the site had been removed.

Following the CRPF alert, the Collector and the police chief rushed to the spot and Runima narrated to them what had happened. Shockingly even three months after the murder, the police refused to register murder case citing lack of evidence.

Destroying evidence of murder was a ploy that was widely used in Kandhamal. The same modus operandi had earlier been employed to a great effect during the Gujarat carnage. "The official death toll in the post-Godhra riots will rise to four figures on February 28 - from 952 to 1,180 - when the stipulated seven

years since the disappearance of 228 people will end, after which the missing persons will be declared dead," *The Times of India* reported on February 16, 2009.[25]

The communal conflagration in Gujarat, the report noted, had led to the 'disappearance of a total of 413 people'. While 185 people were found, 228 missing people remained untraced even after seven years. "Administrative procedures are now on to correct the official toll by listing those 228 missing persons as dead," the report added.[26]

"The culprits are looking for me now as I had complained against them," said the widow at the refugee camp in Udaigiri in January 2009. "How can I go back to the village until these criminals are arrested?" Runima posed the question that haunted hundreds of victims of the anti-Christian violence.

(An overwhelming majority of the culprits were roaming free as the police had arrested less than 700 accused by April 2009 from over 11,348 named in 828 FIRs reluctantly registered by the police though 3,232 criminal complaints had been filed with them.[27])

Three years later, Runima continued to be on the run when I met her at a convention of Kandhamal orphans and widows during the 2012 New Year weekend at the Pastoral Centre near Nuagam.

"Both my (younger) sons are in a hostel. We are living in a rented house and I work as a daily labourer," Runima summed up her travail three years after the murder of her husband. "They are still threatening us and do not allow us to rebuild our (destroyed) house in Gutingia," she pointed out.

25 *'Gujarat riots toll to go up from 952 to 1,180'*, The Times of India, February 16, 2009
26 Ibid
27 *'The loud silence in Kandhamal'*, John Dayal, Centre for Policy Analysis journal 'Spotlight', July 2013

Following persistent appeals by action groups and graphic details of these unacknowledged murders being publicised in my investigative book '*Kandhamal – a blot on Indian Secularism*',[28] the adamant officials gave up their obstinacy. The four murder cases elaborated in the book were among six more murders added to the list of those killed that the Odisha government presented to the Supreme Court on May 2, 2009 – within a month of the release of the book. The Odisha government paid the ₹ 200,000 compensation to the dependant families and also forwarded these cases for the ₹ 300,000 from the Prime Minister's relief fund.

Slain Pastor's wife intimidated

Pushpanjali Ponda was worried when she heard on August 24 that fundamentalists were planning to attack her husband Dibya Sundar Digal. She called her husband on his mobile phone since she had not heard from him after he left for Drepangia village for Sunday service in the morning.

"They are looking for you. Please, don't come here. Stay there only," Pushpanjali cautioned him in the evening. Pastor Dibya stayed in the village as saffron arsonists were targeting Christians on the move.

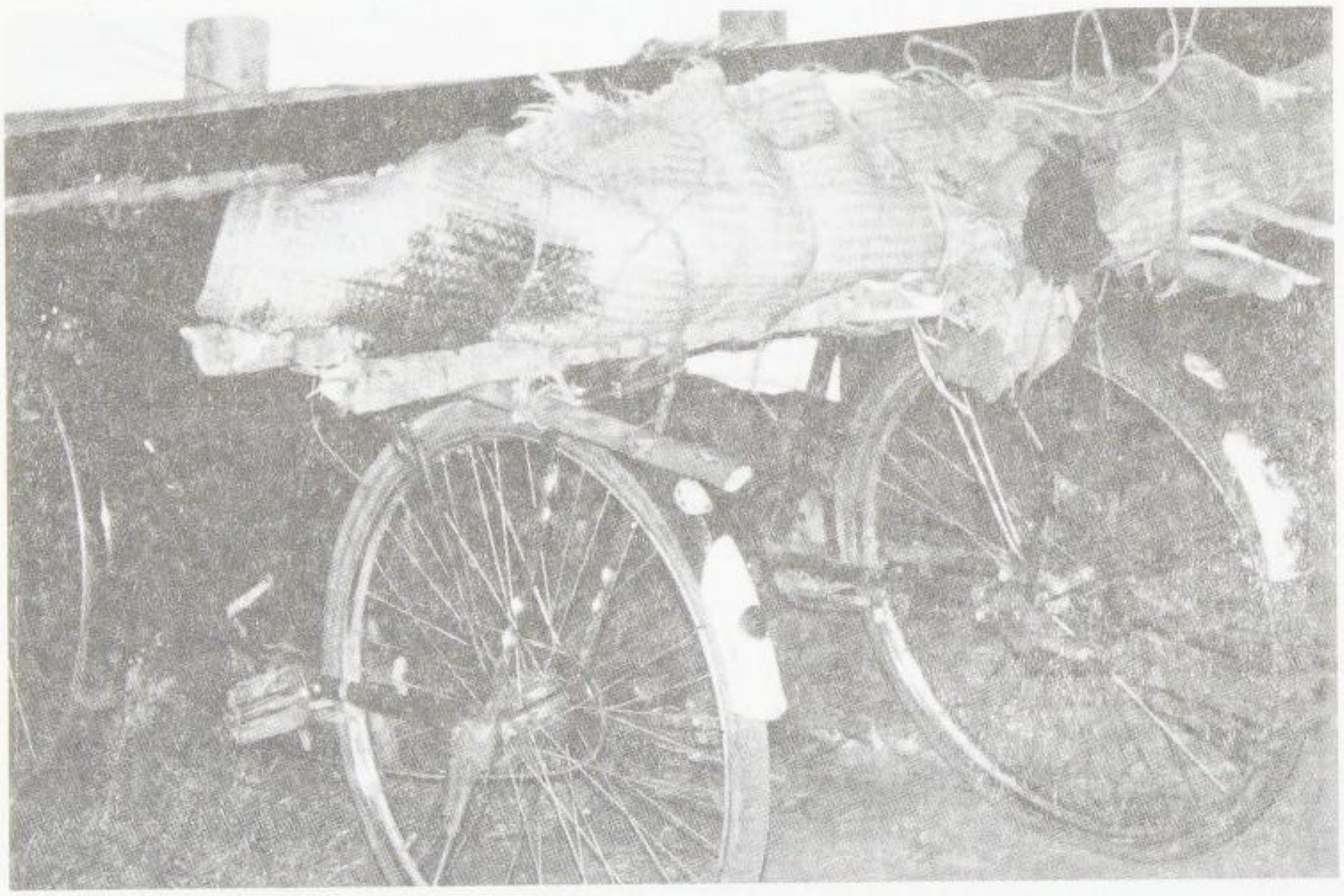
A truck-load of people reached Pushpanjali's house the next evening and asked for her husband. This was only to confirm that the Pastor had not returned home as they had already gathered information about the village where he was camping. They proceeded in the truck to Drepangia, eight km away.

"I was worried as there was no response from his mobile phone from the night. So I decided to walk to the village early in the morning with my daughter," said the 38-year old widow. On the way, a young man told her that a Pastor had been killed and the body was lying on the roadside. .

28 The investigative book that was released in New Delhi on April 9, 2009

Pushpanjali was in utter shock when she heard it. When she reached the village, she was horrified to see her husband's body soaked in blood with stab wounds. She managed to bring the body on two cycles with the help of some Hindus to her village and buried it. All through this ordeal, her eight-year old daughter was sobbing behind her.

Her nightmare did not end there. The leader of the group that killed her husband approached her and threatened to kill her too if she complained to the police or accepted the compensation



Pastor Dibya Sundar Digal's body on cycles - Tehelka photo displayed at an exhibition in 2010

of ₹ 200,000 from the state government for the murder. The scared widow soon moved to the refugee camp in Raikia with her daughter.

Pushpanjali fled the dingy camp to Bhubaneswar as her tormentors continued to intimidate her even in the refugee camp. The widow and her daughter took shelter in the relief camp at the YMCA (Young Men's Christian Association) campus where more than 400 refugees had been put up.

"Until it is safe, I will not go back to Kandhamal," said Pushpanjali. After living in the YMCA camp for two months,

the widow moved to Cuttack and took a house on rent when her daughter was admitted to a Christian school there in January 2009.

Even Hindus not spared

Dasrath Pradhan, a Hindu social worker in Tiangia area, was indignant when he saw a mob destroying the local church and targeting the Christian properties. Forty-year old Dasrath stood in the path of the mob on August 25 at Budedipada and asked them to stop the 'nonsense'. The irate mob leaders ridiculed him as an 'agent of the Christians' and assaulted him.

Though Dasrath ran for his life, he was chased and hacked by the mob. The profusely bleeding Dasrath died a martyr in his bid to protect the hounded Christians and uphold communal harmony.

On the same day, Sulesaru village near Tikabali witnessed a similar tragedy when another bold Hindu – Sidheswar Pradhan – perished in trying to defend the hapless Christians. When an armed mob reached Sulesaru to target the Christians in the night, 65-year old Sidheswar stood in the middle of the road with outstretched hands trying to stop the mob.

Sidheswar's sister Nungari stands in February 2016 at the spot where he was murdered

"Christians of this village are good people. We have been living here peacefully together. You should not attack them," Sidheswar urged the mob.

"You are supporting the Christians because you are their agent," the mob leaders retorted. Soon one of them chopped off his right hand with a sword. Bleeding Sidheswar ran to the backyard of his house where he collapsed. The furious mob gave vent to their fury beating him with logs and iron bars before hacking his body into pieces, recounted Nabojini Pradhan, niece of the childless widower Sidheswar in her complaint to the police.

The mob went ahead looting and torching Christian houses in the village during the night. Some of them returned the next morning to take away and burn the body without even informing the police.

As in other murder cases, the police failed to produce credible witnesses during the trial of the brutal murder of the Hindu who laid down his life trying to protect the Christians. The Fast Track Court could find guilty only three of the 13 accused brought to trial before it. The police and the prosecution failed to present any substantial evidence against the accused for their role in the murder. The court found them guilty of only 'destroying evidence' – setting fire to the body, and sentenced them to three years imprisonment on October 29, 2009.

The bigots did not spare even Hindus who were friendly with the Christians or working with them. Take the case of Kamala Sahoo, a Hindu social activist who worked with a Christian action group.

In her testimony before the National People's Tribunal on Kandhamal, Kamala testified: "Being a Hindu, I was very shocked when Swami Laxmanananda died and had collected flowers to put on his body. Instead the mob came, looted and destroyed everything... Members of the BJP and RSS have threatened me, saying that since I was working with the Christians, I would be

killed along with my son. I was promised by the government that I would be paid ₹ 20,000 as compensation but have received only ₹ 10,000 without any reason. While I was reconstructing my house, all my housing material was looted and people continue to threaten me not to pursue cases against them. I feel unnecessarily targeted and victimised and want justice."[29]

Targets chosen carefully

The leaders of the rampaging mobs exercised extreme caution in choosing targets and ensured that Hindus would not be harmed by their hooliganism.

Amid the row of burnt remains of dozens of houses in Bakingia, none could miss the three houses that remained intact. Since the house in the middle belonged to a Hindu, the mob spared the two neighbouring Christian houses on both sides as these had common walls with the house of the Hindu.

Refuting the Hindu nationalist justification of the violence against Christians as 'spontaneous Hindu reaction' to the killing of their leader, the *'Crossed and Crucified – Parivar's War Against Minorities in Odisha'* study rejected it as 'nothing but a lie'.[30]

"Before an attack, a meeting of the perpetrators was held in nearby schools or anganwadi centres and the violence was carried out as planned. Houses of Christians were selectively destroyed and their belongings looted. The motive was to ruin the Christians economically so thoroughly that they would not be able to stand on their feet for years to come," the study pointed out.[31]

Charred metal remains of a van, motorbikes, bicycles, computers and other office equipment dotted the main road in Daringabadi after the 2007 Christmas violence. This heap of ashes and metal frames were the only remnants of the two-storyed office of the World Vision that was emptied by an elite mob of local business people and others at Christmas noon.

29 *'Waiting for Justice – A Report of National People's Tribunal on Kandhamal'*, page 85
30 *'Crossed and Crucified – Parivar's War Against Minorities in Odisha'*, page 40
31 Ibid, page 41

Charred remains of World Vision vehicles and office equipment across the road

When the mob was about to set the building on fire, the owner rushed in. He pleaded with them not to damage his property as he too was a Hindu. So the mob obliged him. Patiently they brought out everything inside the rented office including files and carried them across the road to set them on fire. It was only to ensure that even the smoke would not scar the newly painted building that was owned by the Hindu.

"In many incidents of burning and ransacking, the strategy used by the mob is calculated and cynical," pointed out New Delhi-based legal action group Human Rights Law Network (HRLN) in its study titled '*Genocide in Kandhamal*'.[32]

Bloodbath foretold

The conflagration that engulfed Kandhamal following the Swami's murder had its trial run during Christmas 2007. Christian targets went up in flames during the Christmas with over 100 churches and Christian institutions plundered and torched, and more than 400 Christian houses gutted.

These attacks were carried out on the rumour of an 'attack' on the Swami after an altercation at a narrow road-crossing at

32 '*Genocide in Kandhamal*', HRLN, page 3

Dasingabadi between a Christian bus driver and the entourage of the Swami with his security guards. This news spread like wildfire across Kandhamal. Christian targets in the jungle region were attacked from Christmas eve like an alert army going on the offensive on orders.

The simultaneous attacks that were carried out by transporting the assailants further confirmed the 'pre-planning' that was later endorsed by senior police officials before the Justice Panigrahi Commission of Enquiry. Weeks ahead of Christmas, the saffron outfits had been regularly taking out marches in the evenings threatening the Christians to give up faith or quit the place as India belonged to Hindus only.

"We do not want to see any Christian in Kandhamal. Next time, you will be our targets," Satyajit Digal repeated the threat a mob leader shouted at the Christians as the mob left Barakhama jubilantly. This threat betrayed the hidden agenda behind the orchestrated violence that was unleashed on the Christians in Kandhamal after the Swami's murder.

Following the Christmas violence, the National Commission for Minorities (NCM) in its report pointed out that while 187 persons had been arrested in 128 cases, "the overwhelming impression given by the people was that many of the ring leaders were still at large". This was 'disturbing', said the Commission, watchdog of minority rights in the country.

"Those who burnt police stations, churches and even government offices must face the consequences of their actions and must be seen by all as having done so... If people do not have confidence that the law is being implemented without fear or favour that no one is above law, their faith in the efficacy of Administration will be eroded. Then they will be encouraged more and more to take the law into their own hands," pointed out the Commission.

This stern caution from the NCM was indeed prophetic in the context of the widespread violence witnessed in Kandhamal following the murder of Swami Laxmanananda.[33]

33 *Report of National Commission for Minorities (NCM) visit to Kandhamal,* April 2008

3

Rape as a weapon

Historically, sexual violence against women has been used as a weapon in areas of conflict and ethnic oppression. Kandhamal was no exception.

At least 19 women – young girls, mothers, elderly widows and a young Catholic nun – had undergone the ultimate humiliation a female could be subjected to – that of rape during the anti-Christian violence in Kandhamal.

"There are several other reports of sexual assault and molestation and it is highly likely that many other such cases have gone unreported due to the shame attached," warned the fact-finding study of HRLN titled '*Genocide in Kandhamal*'.[34] The report of the legal action group – that was released before the end of 2008 – was one of the first studies on the Kandhamal carnage and mayhem.

"Once termed 'a fate worse than death' the future of a raped woman is one of isolation and stigma even among her own community and sympathisers," the study pointed out.[35]

The fear expressed in '*Genocide in Kandhamal*' was confirmed by the '*Study of the Conditions of Women Affected by Communal Violence in Kandhamal District, Odisha*', by the Nirmala Niketan College of Social Work, Mumbai, in 2009. This study confirmed at least 16 more rapes during the anti-Christian violence apart from the rapes that have been recounted in this book.

34 '*Genocide in Kandhamal*', page 9
35 Ibid

These 16 rapes came to light from the random survey conducted by the Nirmala Niketan students among 355 women from 68 of the 415 villages that were affected by the violence. This study also pointed out that "it is highly likely that many other such cases have gone unreported due to the shame attached (to rape)."[36]

On the 'physical and sexual abuse of women and young girls', the Nirmala Niketan report said: "A lack of security meant that they were beaten up, threatened and verbally abused by the men, they were harassed while filling water, younger girls were sexually exploited by policemen while they were bathing and nuns were harassed."[37]

Nun's rape and government apathy

Among these rapes, the rape of a young Catholic nun in public stood out for its diabolic brutality with two persons standing on her hands and a third one raping her publicly.

"The ordeal of Sister Meena was significant for a number of reasons and was the one event in the whole August turmoil, which caught the attention of the world media," pointed out *'Genocide in Kandhamal'*.[38]

It was not an act of lust but a diabolic crime to humiliate a young woman dedicated to a life of prayer and service under a vow of chastity. The national revulsion against this heinous act was evident in the banner headlines the media carried when this ghastly crime of August 25 became public weeks later.

The raped nun had displayed extraordinary courage when she addressed a crowded news conference on October 25, 2008 in New Delhi to demand a fair investigation into her rape, and thereby drew national attention back to the brutalities heaped on Christians in Kandhamal.

36 *'Study of the Conditions of Women Affected by Communal Violence in Kandhamal District, Odisha'*, Nirmala Niketan, page 9

37 Ibid, page 83

38 *'Genocide in Kandhamal'*, page 9

Before a crowd of nearly 200 TV cameras, photographers and reporters, Sister Meena narrated her ultimate humiliation at the torched Jan Vikas centre two months earlier:

"One of them tore my blouse and others my undergarments. Father Thomas Chellan protested but they beat him and pulled him out from there. They pulled out my saree and one of them stepped on my right hand and another on my left hand and then a third person raped me on the verandah" (with the crowd watching).

Sister Meena addresses the news conference in New Delhi

As she read out in detail this ordeal, there were tears not only in her eyes but in the eyes of veteran journalists who had covered many a tragedy with stoic poise.

The alertness and efficiency the police displayed in promptly arresting the author of *'River of Bloodshed in Kandhamal in the name of Religion'* was missing in bringing to book the accused in the rape of the nun who was even paraded semi-naked in the presence of a dozen policemen along the Nuagam main road on August 25 afternoon.

While the medical report confirming rape gathered dust for five weeks, the police never bothered to act until the media drew national attention to the rape of the nun and police inaction in the shocking incident.

Government kept nun's rape under carpet

Odisha Chief Minister Naveen Patnaik rolled out red carpet to welcome Sister Nirmala when the Missionaries of Charity congregation chief and successor of Mother Teresa called on him August 28. The Public Relations department of the government called the media promptly for the Chief Minister's photo-op with the successor of Mother Teresa.

But Sister Nirmala's visit to the Chief Minister was to express her concern over the violence targeting Christians. In her letter to the Chief Minister, Sister Nirmala clearly mentioned the rape of the young nun. She expressed great anguish over a young nun "hunted out of her hiding place and stripped naked by the mob and her virginity grossly violated in public, without any help from the police present there."

Yet, the government did not bother to investigate the rape of the nun dedicated to a life of chastity, service and prayer. Wasn't the Odisha government callous and insensitive? Certainly, there is no reason to presume otherwise. Had they paid any attention to Sister Nirmala's letter, they would have stumbled on the FIR on the rape and the medical report confirming rape.

The way the Odisha government counsel tried to play down in the Supreme Court the inaction of the police in the rape case was also a shame for the nation.

"Though the alleged incident took place on 25.08.08 at about 1 pm, the FIR was filed by the victim only on 26.08.08," claimed the Odisha government counsel before the Supreme Court in an affidavit on October 17, 2008.[39] This claim only reinforced

[39] Affidavit by Tarun Kanti Mishra, Principal secretary Home Dept, Odisha government, submitted before the Supreme Court on October 17, 2008

the callous response to a heinous crime. During the hours the Odisha government counsel cited as delay, the rape victim had not gone anywhere for rest or run away.

The Odisha counsel made the shocking excuse despite the fact that during the period he singled out as 'delay', the rape victim was in police 'care'. She was being paraded semi-naked along Nuagam road in the presence of a dozen policemen. Even after she went and sat among the policemen hoping her ordeal would be over, the policemen did not move and let the bigots have their way. After the ordeal, she was with the police until they decided to shift her to the 'safer' CRPF camp as they feared that they could be attacked in the night if the nun had been kept there.

The rape victim, later in an unprecedented public statement to the media, gave graphic details of how the officer in charge even made her rewrite her complaint thrice trying to lighten the culpability of the custodians of law in the dreadful crime.

If the Odisha government and the senior counsel appearing in the Supreme Court had any sense of human dignity, he should not have brought before the highest court this lame excuse of 'delay' in filing the rape complaint.

A police officer even intimidated the raped nun, telling her of the 'consequence' of filing FIR and tried his best to force her not to file one. Yet, the counsel claimed in the Supreme Court that there was delay in filing the FIR. Isn't this making a mockery of judicial process itself?

The statement Sister Meena read out at the news conference in New Delhi on October 25 was a chilling testimony of the anarchy that was witnessed in Kandhamal with the guardians of law remaining mute spectators.

"Initially, I was crying for days and I could not even sleep. It was very difficult for me to accept what happened. Continuous counselling and support have helped me slowly get back to life," the nun told me in a telephonic interview later.

When she insisted on registering the rape complaint, police officials tried their best to dissuade her from doing so and even warned her against it. This shocking police response came even after the mandatory medical test, that was conducted on the same night, had confirmed the rape.

In fact, the Odisha police had not acted in the nun's rape case for over a month until '*The Hindu*' broke the news with a banner headline which was then followed up by other media networks.

With her name flashed in the media across the country, the traumatised nun had to assume a new name to hide her identity and avoid embarrassment to ordinary people who might interact with her.

The following is the full text of the statement Sister Meena read out at the news conference on October 25, 2008 at the Indian Social Institute – a Jesuit social action centre – in New Delhi:

"On 24th August, around 4.30 pm, hearing the shouting of a large crowd, at the gate of Divyajyoti Pastoral Centre, I ran out through the back door and escaped to the forest along with others. We saw our house going up in flames. Around 8.30 p.m. we came out of the forest and went to the house of a Hindu gentleman who gave us shelter.

On 25th August, around 1.30 p.m., the mob entered the room where I was staying in Prahlad's house, one of them slapped me on my face, caught my hair and pulled me out of the house. Two of them were holding my neck to cut off my head. Others told them to take me out to the road. I saw Fr. Thomas Chellan also being taken out and being beaten. The mob consisting of 40-50 men were armed with lathis, axes, spades, crowbars, iron rods, sickles etc. They took both of us to the main road. Then they led us to the burnt Jan Vikas building saying that they were going to throw us into the smouldering fire.

When we reached the Jan Vikas building, they threw us to the verandah on the way to the dining room, which was full of ashes and broken glass pieces. One

of them tore my blouse and others my undergarments. Father Thomas Chellan protested but they beat him and pulled him out from there. They pulled out my saree and one of them stepped on my right hand and another on my left hand and then a third person raped me on the verandah mentioned above.

When it was over, I managed to get up and put on my petticoat and saree. Then another young man whom I can identify caught me and took me to a room near the staircase. He opened his pants and was attempting to rape me when the crowd reached there. One man in the crowd told him not to do any further harm and so he left me. I will be able to identify the person who raped me and others who stepped on my hands and tore my saree etc.

I hid myself under the staircase. The crowd was shouting 'where is that Sister, come let us rape her, at least 100 people rape.' They found me under the staircase and took me out to the road. There I saw Fr. Chellan was kneeling down and the crowd was beating him with hands and sticks. They were searching for a rope to tie both of us together to burn us in fire. Someone suggested to make us parade naked. They made us walk on the road till Nuagam market which was half a kilometre from there. They made us hold our hands and walk. I was with petticoat and saree as they had already torn away my blouse and undergarments. They tried to strip me even there but I resisted and they went on beating me with hands on my cheeks and head and with sticks on my back several times.

When we reached the market place a dozen policemen were there. I went to them asking to protect me and I sat in between two policemen but they did not move. One from the crowd again pulled me out from there and they wanted to lock us in their temple. The crowd led me and Fr. Thomas Chellan to the Nuagam Block *building saying that they will hand us over to the BDO (Block Development Officer). From there along with the BDO, the mob took us to the police outpost, Nuagam, other police men remained far.*

The mob said that they will come back after eating and one of them who attacked me remained in the police outpost. Policemen then came to police outpost. They were talking very friendly with the man who had attacked me and stayed back. In police outpost we remained until the inspector-in-charge of Balliguda with his police team came and took us to Balliguda. They were

afraid to take us straight to the police station and they kept us sometime in jeep in the garage, from there they brought us to the station. The inspector-in-charge and other two government officers talked to me privately and asked whatever happened to me. I narrated everything in detail to the police, how I was attacked, raped, taken away from policemen, paraded half naked and how the policemen did not help me when I asked for help while weeping bitterly.

I saw the inspector writing down. The inspector asked me "are you interested in filing FIR? Do you know what will be the consequence?" At about 10.00 p.m., I was taken for medical check-up accompanied by a lady police officer to Balliguda Hospital. They were afraid to keep us in the police station, saying that the mob may attack the police station. So the police took us to the IB (inspection bungalow) where CRPF were camping.

On 26/08/08 around 9.00 a.m. we were taken to Balliguda Police Station. When I was writing the FIR, the Inspector In-Charge (IIC) asked me to hurry up and not to write in detail. When I started writing about the police, the IIC told me this is not the way to write FIR, make it short. So I re-wrote it for the third time in one and half page. I filed the FIR, but I was not given a copy of it.

At around 4.00 pm the inspector in charge of Balliguda police station along with some other government officers put us in the bus to Bhubaneswar along with other stranded passengers. Police were there till Rangamati where all passengers had their supper. After that I did not see the police. We got down near Nayagarh and travelled in private vehicle and reached Bhubaneswar around 2.00 am on 27th August.

State police failed to stop the crimes; failed to protect me from the attackers; they were friendly with the attackers; and they tried their best that I did not register an FIR, nor make complaints against police; police did not take down my statement as I narrated in detail and they abandoned me half the way. I was raped and now I don't want to be victimised by the Odisha Police. I want CBI enquiry.

God bless India. God bless you all.
Sister Meena

Hindu student gang-raped, burnt alive

A group of 20 fundamentalists barged into the orphanage that Father Edward Sequeira supervised at Kuntapally village near Sambalpur – over 250 km from Kandhamal – around noon on August 25. This saffron raid on the Catholic orphanage followed the VHP bandh to protest the Swami's murder.

Father Edward tried to run inside and close the iron door when they started assaulting him. But someone put a wooden plank in between the doors.

A policeman posted at the orphanage in view of the bandh rushed in and tried to save the priest. He stood at the door to prevent the assailants from attacking the priest.

"But he was beaten up before they dragged me out," Father Edward recalled.

"You have killed our man. We have come to kill you," shouted Prashanta Majhi, leader of the group and a lawyer from the area, while beating Father Edward with slippers on his face. (Beating someone with slipper or shoe is an act of public humiliation.) Others rained blows on him with iron rods, sticks and shovels – whatever they could lay their hands on in the compound where the construction of a new building was in progress.

The assailants leisurely went about ransacking and damaging his office-cum-residence while Father Edward lay writhing in pain. They splattered wheat flour and poured oil on his head. When he tried to get up, someone hit him with a spade on the head following which he collapsed, bleeding.

"Then they dragged me into the building (that had been already set on fire) and locked it from outside. When I saw the fire inside, I thought they wanted to burn me alive and re-enact Graham Staines killing," recalled Father Edward.

(Graham Stuart Staines, 58-year old Australian Baptist missionary, and his two young sons had been burnt alive in the night on January 22, 1999 in Odisha. A mob led by Dara Singh, a Bajrang Dal leader, had set fire to the van in which Graham and his sons – Philip and Timothy aged ten and eight years – were sleeping in Manoharpur village under Keonjhar district. Staines had been running a Leprosy Home in Baripada since 1965.[40])

The priest could hear the shrieks of Rajani Majhi, a 20-year old Hindu girl who was studying in a degree college while taking care of the 22 orphan boys at the centre – all of them Hindus. Soon, he fell unconscious in the smoke-filled toilet.

Rajani had run out, he was told later, with the boys during the attack. But one of the assailants chased and caught hold of the young woman, and dragged her back to the centre.

Rajani Mahji: alive and dead. (Photo credit: Sambalpur church)

"They stripped and gang-raped her, and threw her into the fire. Since the fire did not spread on her naked body, Rajani tried to get up and run away. Then someone hit her with a wooden log

40 *'Burnt Alive – The Staines and the God they loved,'* GLS Publishing, pages 34-38

like beating a snake. They threw unconscious Rajani back into the fire. I feel sad that instead of me, it was Rajani who died like Graham Staines," Father Edward narrated from his bed at the Holy Spirit Hospital in Mumbai a fortnight later.

Father Edward was rescued from the toilet five hours later after government officials, accompanied by police, reached the spot following a desperate plea by the church leadership. After emergency treatment in Sambalpur hospitals, he was flown to the hospital in Mumbai.

Besides the rape of the nun and the Hindu girl, Kandhamal had witnessed many more rapes by the bigots.

But only two instances of rape of girls have come to public domain, according to '*Study of the Conditions of Women Affected by Communal Violence in Kandhamal District, Odisha*' by College of Social Work, Nirmala Niketan, Mumbai: "In one case the girl, currently in hospital, attempted suicide by burning herself and the other girl had become pregnant after being raped and the police were trying to take advantage of her."[41]

Among 60 women respondents who were interviewed by the research team of Department of Outreach, Loyola College, Chennai, at least two women confirmed that they had been gang-raped while 10 women indicated that they were sexually violated.[42]

But sadly, except for the rape of the young Catholic nun in the presence of a mob and the rape of the Hindu girl *(that is narrated next)*, no rape case has been registered with the police as the victims dreaded being branded as a 'rape victim'.

Hindu girl raped for uncle's refusal to reconvert

A young Hindu girl from Bapalomonti village in Tikabali Block narrated her shocking ordeal in camera during the National

41 '*Study of the Conditions of Women Affected by Communal Violence in Kandhamal District, Odisha*', page 83

42 '*Impact on Women*', Loyola College Study on Kandhamal, page 12

People's Tribunal on Kandhamal in New Delhi in August 2010. The rape that took place on September 21, 2008 illustrated the brutality even Hindus had to suffer for the refusal of their relatives to renounce the Christian faith.

"At around 9.30 pm, when my grandfather came out of the house for nature's call, some RSS activists pushed him, and then my grandmother and barged into the house. One of them told me: "So you have come and you are here? Good that you have come. We have given several deadlines but your uncle has not converted. So we are going to take revenge on you.

They forcefully picked me up and started carrying me to the jungle. I started shouting and screaming for help. They said that no one would save me. They dragged me for about two kilometres from the village to the jungle. Around 25 people were there in the mob wearing tilaks (vermillion on their forehead) and saffron headbands, with their faces partially covered with masks. They carried knives and other weapons and shouted slogans such as '*Jai Sri Ram*', '*Jai Bajrang Bali*'. I pleaded with them saying that I am a Hindu girl. But they said: "Even if you are a Hindu, your uncle is a Christian and he has not converted. So, we cannot leave you.

Four to five men raped me after discussing with each other as to who will rape me first. I lost consciousness and became senseless. After about three hours, my grandparents with another person came searching for me, found me and carried me home.

The mob had struck on my head and also cut me on my hand. Later on, other RSS members approached me and persuaded me not to file the complaint as it was a question of shame for the woman... Since I was born and brought up in the village, I could recognise some of the attackers. The attackers (had) removed their mask before they raped me. Earlier they would respect me.

I was shocked that they took revenge on me for my uncle's refusal to convert to Hinduism. A lot of things have changed in my life after that incident. I have been in hiding. I have been

traumatised, sad, depressed and struggling. I feel ashamed. I am unable to forget the incident and carry on with life. But I feel I should be strong to get justice," the raped girl told the jury of the National People's Tribunal on Kandhamal during in camera session.[43]

Sadly, even in this rape trial, there was no conviction.

"Feeling sad today … Now the judgement is out. The accused is not guilty as there is no evidence as conveyed to me by her brother today," Father Ajay Singh, who heads the Odisha Social Forum of the Catholic church, wrote to me in an email message on March 17, 2015.

"This is the state of criminal justice delivery system....Have no words to say more," said the exasperated Catholic priest who coordinated the National People's Tribunal on Kandhamal with civil and human rights groups.

Heavy toll on pregnant mothers, infants

The expulsion of the Christians from their native villages in Kandhamal led to another tragedy. If nearly one hundred Christians had perished in the orchestrated violence, many more budding young lives were snuffed out as a result of the massive displacement.

'*Kandhamal's Forgotten Children*', a study by Haq – a child rights group based in New Delhi – brought out the catastrophe that unfolded in Kandhamal due to thousands of Christian families languishing in dingy refugee camps and in no-man's areas on empty stomachs. Till March 2009, Haq study pointed out, "there were 109 stillbirths."[44]

The sudden spurt in stillbirths, witnessed in Kandhamal, was the outcome of the distress pregnant women underwent during months of fleeing and malnourishment in the refugee camps.

43 *'Waiting for Justice – A Report of National People's Tribunal on Kandhamal'*, pages 66-67
44 '*Kandhamal's Forgotten Children*', a study by Haq, page 31

There were also dozens of cases of miscarriages, premature deliveries, forced abortions and even deaths of two pregnant women as hardly any medical assistance was available to them during delivery in the refugee camps.

From stillbirths to infant mortality rate, the figures shot up in Kandhamal as a result of the displacement of 56,000 Christians who were rendered homeless and had to take shelter in dingy refugee camps.

Infant deaths shot up suddenly from 603 in 2007-8 to 837 in 2008-9 – an increase of 234 during the period. The fact that this figure declined to 750 in 2009-10 further confirmed that infants had to pay a heavy price – perhaps much higher than the adults as a result of the orchestrated violence.[45]

The IMR (Infant Mortality Rate) in Nuagam block – one of the worst affected areas – also shot up from 37 in 2007 to 88 in 2008.[46]

The sharp deterioration in child health status in Kandhamal following the violence, the Haq study further pointed out, was in worst affected areas during the widespread violence and displacement: "As of April 2010, there were 1,933 reported malaria cases among children of 0-5 years in Phulbani, the district headquarter with comparatively better health facilities. So it is easy to imagine the state of other blocks and villages more affected by the riots."[47]

This debilitating impact of the anti-Christian violence on the infants also fetched another ignominy for Kandhamal as the district with the highest under-five child mortality rate in the country. For every 1,000 children born in the district, 145 died before the age of five, declared the Annual Health Survey Bulletin of India that was released in August 2011.[48]

45 Ibid
46 Ibid, page 32
47 Ibid
48 *'UNDER FIVE MORTALITY RATE (U5MR)'* chart, Annual Health Survey 2010-11

4
Propaganda turns sheep into wolves

"*Satyameva Jayate*" (truth alone triumphs), says the Mundaka Upanishad. But for the ardent advocates of Hindu nationalism, this proclamation of the Hindu scriptures seemed to be of little value. They seemed to rely more on the utilitarian adage: "Truth is the biggest casualty in war."

The saffron camp relied on this adage whenever it suited them especially to duck the condemnation emanating from different quarters for spearheading the Kandhamal carnage and mayhem. When Mother Teresa took part in a much publicised dharna for equal rights to dalit Christians in front of the Sacred Heart Cathedral in New Delhi on November 18, 1995, vociferous VHP marchers holding placards '*Wolf in Sheep's clothes*' were stopped by an alert police from reaching the dharna venue. The brazen and irrational justification of the bloodshed and mayhem in Kandhamal by the saffron outfits was a repeat of what they had done to Mother Teresa – branding the diminutive nun who was revered as the 'saint of the gutters' into a 'wolf'.

'Christians killing each other'

When the media confronted the VHP with questions on its role in the Kandhamal violence, the vocal outfit tried to wash its hands off saying it only had a 'nominal presence' in Kandhamal.

The VHP had 'only a few conveners, but no units in Kandhamal,' VHP spokesperson Mohan Joshi told a news conference in New Delhi on October 7, 2008.[49] The news conference was convened to deny statements from other Sangh Parivar outfits that the

49 *'VHP: We don't have big presence in Kandhamal'*, The Hindu October 8, 2008

VHP had significant presence in the jungle tract and that it had been 'working and doing social service' in the hinterland.

In the hour of crisis, the VHP national leadership behaved like Judas to Swami Laxmanananda who had nurtured VHP cadres in Kandhamal for decades with great dedication and headed its Odisha state chapter at the time of his killing.

Christians in Kandhamal were setting fire to their own houses with an eye on compensation from the government, the VHP spokesperson alleged. Extending this claim further, he attributed the killing of Christians in Kandhamal to "rivalries among Christian groups (that) are attacking and killing each other."[50]

Six months after the VHP's initial denials, there was not much change when I contacted Subhash Chauhan, VHP spokesperson for Odisha, for a reaction to the continued threats and intimidation of the refugees returning to their villages.

"These are old cases. This is all propaganda to discredit us," replied Subhash when he was asked about the continued intimidation of the Christian refugees. However, he was quick to point out that a Pastor had been arrested by the police for the murder of Swami Laxmanananda. Subhash repeatedly promised to provide the name of the arrested Pastor whenever he was contacted.

But the name of the 'arrested' Pastor never came forth despite four attempts in a fortnight in March 2009 because there was no Pastor among the seven Christians arrested and charged with the Swami's murder.

In fact, he was parroting what VHP leader Togadia had claimed earlier. (*Kindly see* **Togadia drags in the Pope** *on page 198*).

BJP leader, Chief Minister confirm Sangh Parivar role

Scrutiny of the statements made by a senior BJP leader confirmed that the VHP was indeed one of the main actors in Kandhamal carnage. Chandan Mitra, a BJP member of Rajya Sabha, told media persons on March 10, 2009 that he had been

50 Ibid

sent as emissary by the BJP leadership to Bhubaneswar to ask the saffron brigade to give up their plans to observe Christmas bandh in Kandhamal.[51]

Odisha Chief Minister Patnaik, Mitra admitted, "had talked to both Mr Advani and BJP president Rajnath Singh and I was sent there to sort out matters."

The Hindu report further added that "Mr. Mitra did confirm that the BJD-BJP breakup had not come as a bolt from the blue; trouble had been brewing between the two partners, more so since Kandhamal and up to December 25 last year when Mr. Mitra was sent to Bhubaneswar to negotiate with the parivar activists to drop the idea of an Odisha bandh on Christmas day."[52]

This statement clearly showed that the Sangh Parivar had high stakes in Kandhamal. They had a political agenda and were willing to take orders from the BJP leadership.

A few months later, Chief Minister Patnaik too confirmed the pivotal role the VHP had played in Kandhamal mayhem.

"It was revealed from the inquiry of the cases related to Kandhamal riot as lodged (in police stations), RSS/VHP/Bajrang Dal workers were involved in the riot," the Chief Minister told the Odisha Assembly on November 22, 2009 in a written reply to a question raised by CPI (Communist Party of India) MLA Adikanta Sethy.[53]

"Because of their involvement in the Kandhamal riot, 85 persons of RSS, 321 persons of Vishva Hindu Parishad and 118 persons of Bajrang Dal were arrested," elaborated Chief Minister Patnaik in his reply exposing the VHP bluff.[54]

As reports of continued attacks on the Christians poured out from Kandhamal, the saffron propaganda wing even tried its best to portray the Hindu community as the victim.

51 *'Kandhamal disturbed Patnaik: BJP'*, The Hindu, March 11, 2009
52 Ibid
53 *'Kandhamal - Massacre of the Innocents'*, Integrity Media, page 16
54 Ibid

Angana P Chatterji, associate professor of Social and Cultural Anthropology at the California Institute of Integral Studies in San Francisco, in her book '*Violent Gods – Hindu nationalism in India's Present – Narratives from Orissa*' quoted the *'Organiser'* (English weekly of the RSS) which claimed that "Hindus in Kandhamal are being tortured by the administration in many ways". The report also quoted Jual Oram, a BJP member of Parliament, as saying that "Hindus are tortured in Kandhamal after the murder of Swami Laxmanananda."[55]

(The dubious India Foundation which made a Herculean effort to whitewash Kandhamal even internationally had brought out a DVD titled 'The Agony of Kandhamal' to project Hindus as the 'real victims' of Kandhamal while Christians were 'relaxing in the relief camps'. *(Kindly see* **'The Agony of Kandhamal'** *on page 223.)*

Chatterji, an Indian scholar who has followed the rise of Hindu fundamentalism in Odisha for years, also quoted saffron activists in Kandhamal who claimed that "villagers are now returning to Hinduism because they (have) realised that Christianity promotes violence and killing."[56]

Demonstration for arrest of raped nun

When the rape of the young nun made national news headlines by September end, five weeks after the crime, the VHP stirred another furore. That was when women cadres of the VHP came out demanding the arrest of the nun, who had been raped and paraded half naked though Nuagam for hours. Their grouse was that the 'false' rape charge had discredited the Odisha police.[57]

The saffron outfits had indeed reason to be peeved about those who criticised the police as the guardians of law had been extremely generous and partisan when its cadres wrought havoc in Kandhamal.

55 *Violent Gods – Hindu nationalism in India's Present – Narratives from Orissa'*, Three Essays Collection, page 327

56 *Ibid*, page 335

* India Foundation – saffron truth factory, Part III Kandhamal Fraud

57 *'Sangh Parivar women demand arrest of nun who was raped'*, IANS, October 21, 2008

That was the provocation for the Christian leaders and human right activists to present the raped nun before a crowd of national and international media in New Delhi to narrate the ordeal she underwent at the Jan Vikas centre on August 25, 2008.

Even when the half-naked raped nun tried to sit among policemen – who were quietly watching – to escape her tormentors, the police did not move. "When we reached the market place a dozen of OSAP policemen were there. I went to them asking to protect me and I sat in between two policemen but they did not move. One from the crowd again pulled me out from there..."[58]

Nun's rape only an 'ecclesiastical afterthought'

Even after two years, the saffron camp did not stop its misinformation campaign about Christians in Kandhamal. Sandhya Jain, a regular columnist with '*The Pioneer*' English daily, known for assiduously espousing Hindu nationalist agenda, published a shocking commentary on August 4, 2010 on the sensational rape of the nun.

The woman journalist attempted to portray the young nun's rape as 'an ecclesiastical afterthought' in an interrogative title and concluded it as 'most likely a fabrication' that had been concocted by the Catholic Church.[59] The senior journalist's claim was based on the lame excuses that were put forward by the saffron lawyers to defend two dozen accused who had been arrested in connection with the rape and semi-naked parading of the nun.

The same correspondent had also written '*A conspiracy unravels*' – an 'editorial' upholding the same argument in the *'The Pioneer'* of August 3, 2010. This link has been duly copied by several saffron networks like '*Shadow Warrior*' with a declaration that "every nun-rape story needs to be taken with a huge pinch of salt."

58 The statement that the raped nun read out at her news conference in New Delhi on October 25, 2008

59 *'Catholic Church in Kandhamal: Was the alleged rape an ecclesiastical afterthought?'* Sandhya Jain, bharatabharati.wordpress.com, August 4, 2010

That is another typical example of the saffron lobby's strategy of fabricating bizarre theories to whitewash their misdeeds.

In an article titled '*Why no punishment to Swami Laxmanananda's killers even after 5 years?*' in its September 8, 2013 issue, *Organiser* continued to dismiss the nun's rape as 'a false case'. Further, the report even claimed that "32 persons were arrested (and) many of whom are still languishing behind the bar without trial."[60]

This was a blatant lie as months before the fifth anniversary, as many as 23 of the 26 accused had been granted bail by the Odisha High Court in different stages. Reporting on the bail granted to Sitaram Patra, one of the arrested in connection with the nun's rape, *The Times of India* on January 15, 2013 pointed out that "the (Odisha) High Court has so far granted bail to 23 out of the 26 arrested in the case."[61]

Brutalised Father Thomas Chellan

Contradicting the brazen propaganda of the saffron parivar, the trial court in Cuttack on March 14, 2014 convicted three accused for the rape and semi-naked parading of the nun along main the road with brutalised Father Chellan.

60 '*Why no punishment to Swami Laxmanananda's killers even after 5 years?*', Organiser, September 8, 2013

61 '*Bail for Kandhamal nun rape accused*', The Times of India, January 15, 2013

While Mitu Patnaik alias Santosh Patnaik, one of the main accused, was sentenced to 11 years imprisonment, Gajendra Digal and Saroj Badhei were sentenced to 26 months each for 'outraging the modesty of the victim'.[62]

However, the acquittal of six others chargesheeted in the case for the 'lack of evidence' exposed the commitment of the guardians of law and prosecution to ensure justice to the victim of a brutal rape.

RSS condemns elderly nun's rape

The RSS made history when the executive meeting held at its headquarters in Nagpur took an unprecedented decision – to condemn the gangrape of a 74-year old nun in West Bengal state.

"This [rape] is against our tradition. All civilised societies condemn such incidents. But there should not be any attempt to use such incidents to create tensions between communities by giving it a religious colour," Suresh Bhaiyyaji Joshi, RSS general secretary, told a press conference on March 15, 2015.[63]

The Hindu report said that RSS "strongly condemned the alleged gangrape of a nun at a convent school in West Bengal and warned that such incidents should not be used to create tension between communities."[64]

The RSS's prompt condemnation of the gangrape of the elderly nun came at the conclusion of its three-day *'Akhil Bhartiya Pratinidhi Sabha'* (All India Representative Council).

The 74-year old nun had been gangraped during the wee hours of March 14 after a gang of masked men broke into the Jesus and Mary Congregation convent school at Ranaghat, 75 km from Kolkata.

Though this RSS condemnation is indeed laudable, it also revealed the duplicity of the Sangh Parivar. The RSS did not do the same

62 *'11-year RI for key accused in Kandhamal rape case'*, The Hindu, March 15, 2014
63 *'RSS condemns rape of nun in West Bengal'*, The Hindu, March 15, 2015
64 Ibid

when a young nun was brutally raped and paraded semi-naked along the road in Kandhamal by its own cadres.

One of the burnt rooms of the Jan Vikas centre where the nun was raped

On the contrary, all the wings of the extended RSS parivar acted in unison to whitewash the crime. Besides planting news stories in the media dubbing the infamous rape as 'ecclesiastical afterthought'[65] (concocted by the church), RSS affiliates showed even the audacity to take out demonstrations to demand the arrest of the raped nun for 'defaming' Odisha police.

However, the RSS condemnation of the gangrape of the elderly nun as 'against our tradition' begs the question: What about the diabolic rape of the young nun in public in Kandhamal – with two people standing on her hands as human nails – is it a part of the RSS culture?

When the RSS was certain that its cadres had not done it, it tried to impress the hurt Christian community by condemning the gangrape of the elderly nun. But when its own henchmen

65 *'Catholic Church in Kandhamal: Was the alleged rape an ecclesiastical afterthought?'* Sandhya Jain, bharatabharati.wordpress.com, August 4, 2010

were guilty, RSS machinery had only one option – whitewash the wanton crime.

Christian 'conspiracy' behind BJD dumping BJP

With the electoral prospects of the BJP-led NDA suffering a big jolt when the BJD snapped the coalition ties, the BJP too found a Christian conspiracy behind the break-up.

The BJP media cell even issued a press release on March 15, 2009 blaming the Christian missionaries for the break-up of the 11-year old BJD-BJP alliance. But the claim sounded hollow as the minority Christian community, that accounted for only 2.7 percent of Odisha's 42 million people, wielded hardly any political clout in the state.

No wonder that when Christians were being hunted down in the jungles of Kandhamal, the BJP's main demand was to implement strictly the laws pertaining to conversion and ban cow slaughter apart from arresting the killers of Swami Laxmanananda.

BJP double-speak on Kandhamal

"I strongly condemn such acts of violence and vandalism. It cannot be justified," decried Lal Krishna Advani, senior BJP leader on September 29, 2008 reacting to the Kandhamal bloodshed. "The law must take its course and culprits brought to justice," Advani declared.[66]

Months later, the BJP showed its true colours when it nominated two of its key players in Kandhamal as the candidates in the April 2009 elections. The BJP fielded Manoj Pradhan – detained under the National Security Act after being charged with seven murders and seven arson cases in Kandhamal – as its candidate from Udaigiri constituency to the Odisha Assembly.

66 *'Advani condemns attacks, calls for inter-religious* talks', The Times of India, September 30, 2008

Saffron flag hoisted on top of church at Muniguda

The brain behind publicising the concocted Beticola church resolution, Ashok Sahu too was rewarded for his propaganda work and nominated as BJP candidate from Kandhamal to the Parliament.

While Manoj won the election from behind bars as a result of the deep communal polarisation and massive displacement of Christians in the area, the voters were able to sift between truth and propaganda, and did not let Sahu make it to Parliament. The Parliament constituency of Kandhamal comprised of the entire district, half of which was unaffected by the orchestrated violence.

5

Fence eats crop

The viciousness of the anti-Christian violence that swept Kandhamal was nothing new for the Christians in the jungle tract. The only difference was that instead of one or two villages being targeted at a time, Christian targets in 415 villages of Kandhamal district went up in flames since late August 2008.

The mayhem was the culmination of years of hate-mongering and sporadic attacks on Christian targets in the jungle region that had been a virtual freehold land for the saffron brigade for a long time. They had attacked Christian targets at will under the decade-old anti-Christian campaign led by the slain Swami. When their leader was killed, this lawlessness hit diabolic proportions.

The fundamentalist outfits that treated Kandhamal as their private fiefdom instigated mobs to assault the Christians and plunder their property with impunity. According to the affidavit submitted to the Supreme Court by Archbishop Cheenath, police officials in Raikia had tipped off the culprits about the impending arrests and let them evade arrest.

The police in Kandhamal seemed to have adopted an unwritten law to ignore all saffron crimes. Police registers had scores of cases of attacks on churches and Christians. Apart from that, Christians had been forced to undergo reconversion ceremony and their houses set on fire from time to time. But the custodians of law seldom acted on these Christian complaints.

"This is not the first time we are being targeted. In 1976, we were attacked like this and our house was burnt," said Motilal

Pradhan, whose paralysed younger brother Rasanand was the first Christian casualty following the Swami's murder. Twenty eight year old Rasanand, bedridden due to stroke, was reduced to ashes in his house at Gadragam village when a mob torched the house on August 24 evening.

"If the government cannot ensure our security, it should send us to any other place in the country where we can live in peace. Are we not citizens of this country?" asked the retired soldier who had fought for the nation in the 1999 Kargil war.

Motilal carried vivid memories of the horror of their house and other properties being burnt down in the 1976 attack and fleeing with his grandfather. That was after his grandfather defied Swami Laxmanananda's order to reconvert to Hinduism. "Every year, we had to live in fear when rath yatras and conventions were organised in our area," he recalled.

Police open church gate for desecration

When a mob, armed with guns and other lethal weapons, descended on Kattingia village in October 1988, half a dozen policemen, including the local police chief, were with the mob.

"The policemen did not intervene when the mob started attacking us," recounted 78-year old Roman Bastroy in August 2009. Roman, who was paralysed following a stab injury in his neck, recalled that four Christians had been shot dead in this brazen attack that was carried out in police presence.

The Catholic church in the heart of Raikia town was desecrated by a mob of over 500 people in August 2004. This attack on one of the biggest churches in Kandhamal was led by none other than the guardians of law.

"I was shocked to find the police leading the mob and opening the (church) gate for them," recalled Father Alphonse Boliarsingh, vicar of the Raikia church at the time, about the desecration that was carried out on August 26.

"The mob ransacked and desecrated the church completely. They left only after destroying the statues, sacred items and even furniture," said the priest. Soon after the attack, the scared

priest sent lay leaders to the nearby police station to register a complaint. But they could not enter the police station premise as the rioting mob crowded it.

When Father Alphonse himself went to the police station the next morning to register a complaint, he too could not enter it. It was still packed with members of the mob that had attacked his church.

When he insisted that he was there to file a case against the attack on the church, the police told him that a criminal case had been already registered against him accusing him of prompting and helping the local Christians to steal rice from the houses of the Hindus.

"After filing the complaint, I sensed danger and took anticipatory bail from the High Court the following month," recalled Father Alphonse. The police made token arrest of half a dozen people for the attack on the church. But they did not dare to touch the mob leaders.

Even after a decade, the case had not come up for trial when Father Alphonse died in November 2014.

Insensitive guardians of law

The anti-Christian bias of the police explained why they refused to register even murder cases from the orchestrated violence following the murder of the Swami. It was only after the Odisha High Court ordered that criminal cases could be registered at any police station and even outside Kandhamal, the police started registering the complaints of the hounded Christians.

The treatment meted out to a refugee whose house had been burnt down showed the antipathy of the police machinery towards the Christians. Rajnikant Pradhan, who was living in a rented house at Bapuria, fled with his wife in his auto-rickshaw when the anti-Christian violence began. In his hurry to escape the approaching mob, Rajnikant could not pick up even valuable documents like his vehicle registration papers, driving licence or his wife's school certificates.

Spectator police at Sarasananda church

After reaching the refugee camp at Udaigiri, Rajnikant approached the police to register a complaint about the lost documents and household possessions worth over ₹ 40,000. On the first day, the police asked him to come the next day. During the second trip to the police station, they advised him to go to Tikabali police station as Bapuria did not fall under their jurisdiction.

"It was very dangerous for Christians to move around those days and I was scared to travel to the police stations. But I took the risk and went to Tikabali police station," recalled Rajnikant. The police officials there told him that cases from Bapuria had to be filed at Sarangod police station which was closer to the area where the crime took place.

Reluctantly, Rajnikant made the trip to Sarangod where policemen threatened to file a case against him for making a false claim. When he narrated the ordeal that he underwent to reach them after visiting police stations in Udaigiri and Tikabali, they told him bluntly: "We are taking complaints only about those who have gone up (killed). You can go back to the refugee camp."

The rude and insensitive response of the guardians of law continued when Rajnikant returned to the refugee camp. The commissioner of the camp refused him the blanket that was being distributed to the refugees. The reason: he had no house of his own and was living only in a rented house.

Sudanshu Nayak, general secretary of Bhubaneswar YMCA that had converted its premises into a relief camp for those fleeing Kandhamal, pointed out that the police had been condoning saffron bravado in Kandhamal for years.

"The police hardly took any action against the fundamentalists who looted and torched churches and Christian institutions during the 2007 Christmas violence. This encouraged them to indulge in more daring things like attacking the police station," said Sudanshu. His mother, sister and two brothers along with their families too had been rendered homeless, forcing them to take shelter in refugee camps in Kandhamal while Sudanshu managed the relief camp in Bhubaneswar.

Criticise bigots, police will act

Though the Odisha police shied away from arresting the perpetrators of the bloodbath in Kandhamal, they showed great alacrity to arrest a young Hindu activist writer who dared to publish a booklet deploring the hate propaganda and bloodshed by the fundamentalists.

Lenin Kumar, an engineer working in a college at Berhampur, never thought he would end up behind bars for expressing his indignation over the Kandhamal carnage. The police arrested him on December 7, 2008 along with two of his associates for selling the booklet within three days of the release of the 80-page booklet titled '*River of Bloodshed in Kandhamal in the name of Religion*'. They were charged with 'attempt to destroy communal harmony'. Lenin was kept in detention for 11 days until he was bailed out by his lawyers.

"It was clear that the police were under political pressure. Though they arrested me, they treated me well and did not harass me at all while in custody," pointed out Lenin.

Lenin Kumar

Police initially told the media that Lenin had been arrested for his Maoist links to make sure that the media did not stumble on the lead that he was being arrested to placate the saffron camp that had come in for bitter criticism in his booklet. Police even cited recovery of incriminating Maoist material from his possession.

However, when the charges were filed in the court, the police did not mention anything about Lenin's Maoist link. Instead, he was charged under IPC Section 153A (for promoting 'disharmony or feelings of enmity, hatred or ill-will between different religious... communities' and 295A (dealing with crimes related to 'insulting religion of any class').

"Preaching hatred against one another is no offence here. But criticizing the fundamentalist leaders who make such speeches in public is an offence," fumed Lenin sitting in a park in Bhubaneswar in January 2009.

"They (police) have charged me with destroying communal harmony for lambasting those who preach violence in the name of religion. This shows that they are acting as agents of the bigots," said Lenin, who was also the editor of a quarterly magazine called 'Nishan' (sign).

"A secular government should never represent or act in the interest of any one religion. Unfortunately it is exactly what the Odisha government and the police are doing in Kandhamal," he lamented.

Instead of arresting the culprits who looted and torched Christian houses and churches, beat up and killed dozens of Christians, the police arrested Lenin to please the fundamentalists. "Is this democracy?" he asked indignantly.

"As a citizen of this country, I have a fundamental right to express my views and protest when the law of the land is being thrown to the winds," said Lenin who had also flayed the police and government officials for their failure to act against the butchers of Kandhamal.

"I would have been happy if the police had shown half the enthusiasm to put behind bars those who murdered innocent people in Kandhamal where they were slaughtered like animals," said Lenin. Further, he pointed out that the Odisha police had also shown extraordinary efficiency in seizing 700 copies of his 'inflammatory' book from the printing press itself.

"This book is not against any religion but against the abuse of religion for enhancing political agenda. If the state machinery is misused in this way, people will lose faith in the democratic process itself," he cautioned.

Shocking acquittal in policeman's killing

Impunity and saffron infiltration in the government machinery was at the root of the acquittal in the sensational murder of

a policeman and torching of Gochhapada police station on September 15, 2008.

An armed mob of over 500 people stormed the police station around midnight and set everything on fire including police vehicles. Constable Bibhudendra Biswal was gunned down while other policemen on duty managed to flee for their lives.[67]

The attack on the police station – 36 km from Phulbani – was no ordinary crime. The roads leading to Gochhapada had been blocked by cutting down trees to ensure that no reinforcement would be rushed in to thwart the attack.

It was a revenge attack as three saffron activists had been killed on September 13 at Kurtamgarh in firing by the CRPF when an armed mob tried to attack the church that was guarded by the federal para-military force.[68] The zealots decided to take revenge on the state police as they were unable to challenge the CRPF carrying automatic rifles.

(However, the bigots had their revenge on the CRPF also when Buxa Singh, a CRPF personnel hailing from Punjab, was lynched in Sisapanga village on October 13.[69])

During the trial of the killing of the police constable and the torching of the Gochhapada police station, police officials had pointed out that the mob of 500 had been drawn from nearby villages of Tambisuga, Gorasahi, Pipalmal, Murja and Gochhapada. But they could not identify the culprits and brought to trial only 16 people. Worse still, all the accused were acquitted on July 31, 2009 by the Fast Track Court for 'lack of evidence'.[70]

The police had failed to present credible evidence or witnesses in the court to ensure conviction in the daring act. Even police officials who bore the brunt of the attack turned hostile during the trial 'failing' to identity the accused. The fact that the police

67 *'Cop killed in fresh violence in Kandhamal'*, The Hindustan Times, September 17, 2008
68 *'Kandhamal: Cop Killed, police station torched'*, Rediffnews, September 16, 2008
69 *'CRPF jawan found dead in Kandhamal'*, The Hindu, October 15, 2008
70 *'16 acquitted in Kandhamal riots case'*, Rediffnews, August 01, 2009

could not get a conviction in a case of pre-planned attack on themselves and killing of their colleague exposed their inefficiency and political pressure they faced while acting against the saffron cadres in Kandhamal.

Even in the trial of the murder of the CRPF soldier, the judgment was no different. While five people were named as accused, only two of them were brought to trial before the Fast Track Court. While the police claimed that the other three were 'absconding', the two accused were acquitted by the court for the lack of evidence on November 13, 2011.

Fast Track to justice or injustice?

The Odisha government set up two Fast Track Courts on March 1, 2009 to duck the widespread criticism of its total failure to protect Christians and enforce the rule of law in Kandhamal. Unlike the regular courts, the dispensation of the cases was rapid in these special courts. These two special courts had delivered verdicts by the end of 2012 in as many as 257 out of 327 cases in which investigation had been completed by the police and brought before it.

However, the outcome of the fast track trial that ended in March 2013 when the courts were shut down was not much different from the regular criminal courts in the country. While 477 of the accused had been convicted in 75 cases, 2,704 accused had been acquitted in 182 cases with 169 cases resulting in acquittal of all the accused.

Worse still, most of the convictions were handed out not for heinous crimes like murder but for comparatively minor offences like illegal assembly and rioting that carries only nominal jail terms of a few years.

Consequently, the wheel of justice had not caught up with the butchers of Kandhamal. Most of the 27 murder trials ended up in acquittals due to clumsy FIRs, shoddy investigation and casual prosecution apart from rampant witness intimidation.

In fact, only two convictions resulted from 27 cases in which most serious crime – murder – had been filed under IPC Section 302. While 17 of these cases saw total acquittal of the accused of

Justice in Kandhamal

Destruction	
Villages affected	415
Houses destroyed	6,000
Displaced people	56,000
Churches damaged	296
Deaths	over 100

Magnitude	
Number of accused named in complaints	84,000
Anticipatory bail granted	11,000
Brought to trial	3,181
Acquitted	2,704
Convicted	477
Life imprisonment	15

Shocking Injustice	
Criminal complaints filed	3,232
Acknowledged by police	1,541
FIRs registered (not registered 2,404)	828
Cases chargesheeted	593
Cases committed to FTCs	327
Cases pending trial	255
Cases disposed off	257
Acquittals	182
Convictions	75

Near zero conviction for Murders	
Verdicts given	27
Acquittals	25
Convictions	2

Source: Initiative to Justice, Peace and Human Rights, Bhubaneswar

all the charges brought against them, the accused were sentenced in 10 cases but for only minor offences like arson and destroying evidence.

Widow threatened for pursuing justice

Almost all the Christians in Tiangia fled to the jungle on August 25 on hearing that fundamentalists were planning to attack them. But Parikit Nayak along with his friends Bikram Nayak and Trinath Digal decided to stay back in the village to guard their church and other properties.

The mob that landed in the village was bigger than they could tackle. Parikit's two friends were hacked to death by the mob while he managed to flee.

"They left only after burning the Christian houses and the church," recalled his wife Kanakrekha. She had managed to reach her parents' house at Raikia, 15 km away from Tiangia, with two daughters aged one and four years.

Parikit came to know from other Christians who had fled to the jungle that his wife and children had reached his in-laws. He took a round-about route and proceeded to his in-laws to pick them up. On their way back on a bicycle on August 27, the family came in the path of a group that was returning after destroying a church at Manickeswar village.

The mob caught Parikit and some of them identified him. When he was being taken to the local temple for reconversion, his wife followed them with the daughters. "Have you become a Hindu?" they asked Parikit. "Why should I become a Hindu? I am a Christian. I have that freedom in this country," he argued.

Furious over his reply, they beat him. Then the mob leaders called the village pradhan (head of the village) on his mobile phone and informed him that they had caught Parikit. When they asked him whether they should kill Parikit, the village headman's reply was 'yes' as he had earlier escaped from their clutches.

"They hit him with a cycle chain and he fell down," recounted Kanakrekha. Then they tied the chain around his neck and dragged him. They also shouted at Kanakrekha: "Get away."

However, Kanakrekha continued to follow them carrying younger daughter in hand and holding the hand of wailing elder daughter Lipsarani.

After dragging Parikit for some distance, they beat him to death. They hacked his body into pieces and tried to burn them. But since the fire did not spread, they covered the body pieces with soil before they left.

Though Kanakrekha continued to live in Kandhamal after the refugee camp was shut down in May 2009, she had to flee Kandhamal in July 2010 due to fresh threats. That was after her six-year old elder daughter gave irrefutable witness in the Fast Track Court during the trial of the murder of her husband. The brutal murder was led by Manoj Pradhan who had been charged with six other murders and seven arson cases.

The Fast Track Court found Manoj guilty on the strength of the bold testimonies of the widow and her daughter. The court sentenced the BJP MLA to seven years of imprisonment in June 2010. However, he escaped life imprisonment as the court did not find him guilty of murder under Section 302 of the IPC. That was his first conviction after he had been acquitted in half a dozen cases including two murders because the witnesses had turned hostile in the court due to intimidation.

Following the conviction of their leader, the fundamentalists started threatening the widow forcing her to flee Kandhamal with her daughters.

Not guilty of crime but guilty of destroying evidence

The outcome in the trial of the murder of Sidheswar Pradhan – a bold Hindu who perished in trying to defend hapless Christians

on August 25, 2008 at Sulesaru village would shock anyone. When an armed mob landed in the village to target Christians at night, 65-year old Sidheswar stood in the middle of the road with outstretched hands trying to stop the mob.

They not only chopped him into pieces but later moved the body parts to an open space and set them on fire. However, the Fast Track Court had little evidence brought before it to convict the 13 accused who had been charged with the murder. The court found guilty only three of the accused and that too of 'destroying the evidence' under Section 201 of the IPC on October 29, 2009. The court sentenced them for 'destroying evidence' – setting fire to the body – to three years of imprisonment.

This verdict in the cold-blooded murder of a Hindu for defending Christians – the accused is not guilty of the crime but guilty of destroying evidence – sums up the travesty of justice in Kandhamal due to reasons far beyond the control of the judges sitting in the hot seats. Whatever be the crime, the judges could not convict the accused unless conclusive evidence to prove the guilt beyond doubt had been presented during the trial.

Despite most of the victims being brutally murdered in front of their kith and kin, the routine acquittal of the accused due to lack of evidence pointed to shoddy investigation and prosecution besides rampant witness intimidation that resulted in key witnesses turning hostile in the court.

Apart from the shocking level of acquittals, the police also failed to register FIRs in some of the murders and other serious crimes. Of the 3,232 complaints that were filed by the victims and their relatives in connection with the widespread violence, only 828 cases were registered (as FIRs) by the police. Even among the 11,348 named in the FIRs, the majority had not been arrested with the police reporting them to be 'absconding' – a legal euphemism exploited to a great effect in Kandhamal.

Awaiting 'fair and just trial'

The criminal writ petition – filed before the Supreme Court by the Initiative to Justice, Peace and Human Rights – sought a review of these faulty trials seeking 'right to fair and just trial'.[71]

The petition has brought before the highest court of the land serious questions:

- Whether the police failed to perform statutory duty to register FIRs on the basis of complaints and discouraged them, created deliberate hurdles and pressurised them not to lodge complaints?

- Whether the police/investigating agency was helping the accused since limited number of FIRs were registered?

- Whether dishonest, tainted and tailored investigations which resulted in acquittals in most of the heinous crimes had shaken the faith and confidence of the people not only in the law enforcing agency but also in the administration of justice?

- Whether the public prosecutor acted fairly or deliberately failed to discharge duties and colluded with the accused who enjoyed political patronage. This was in view of the fact that with witnesses after witnesses turning hostile in the court, the prosecutor should have raised apprehension that the witnesses were being threatened, coerced or intimidated.

- Whether the trial court judge failed to perceive the deficiencies and mala fides of the investigation and prosecution failed to bring relevant material on record and further made no sincere efforts to ensure fair and just trial which led to miscarriage of justice?"[72]

Summing up the numerous lacuna in the justice delivery system in the cases where 'the entire civil administration remained mute spectator to unparalleled violence', the writ petition posed the

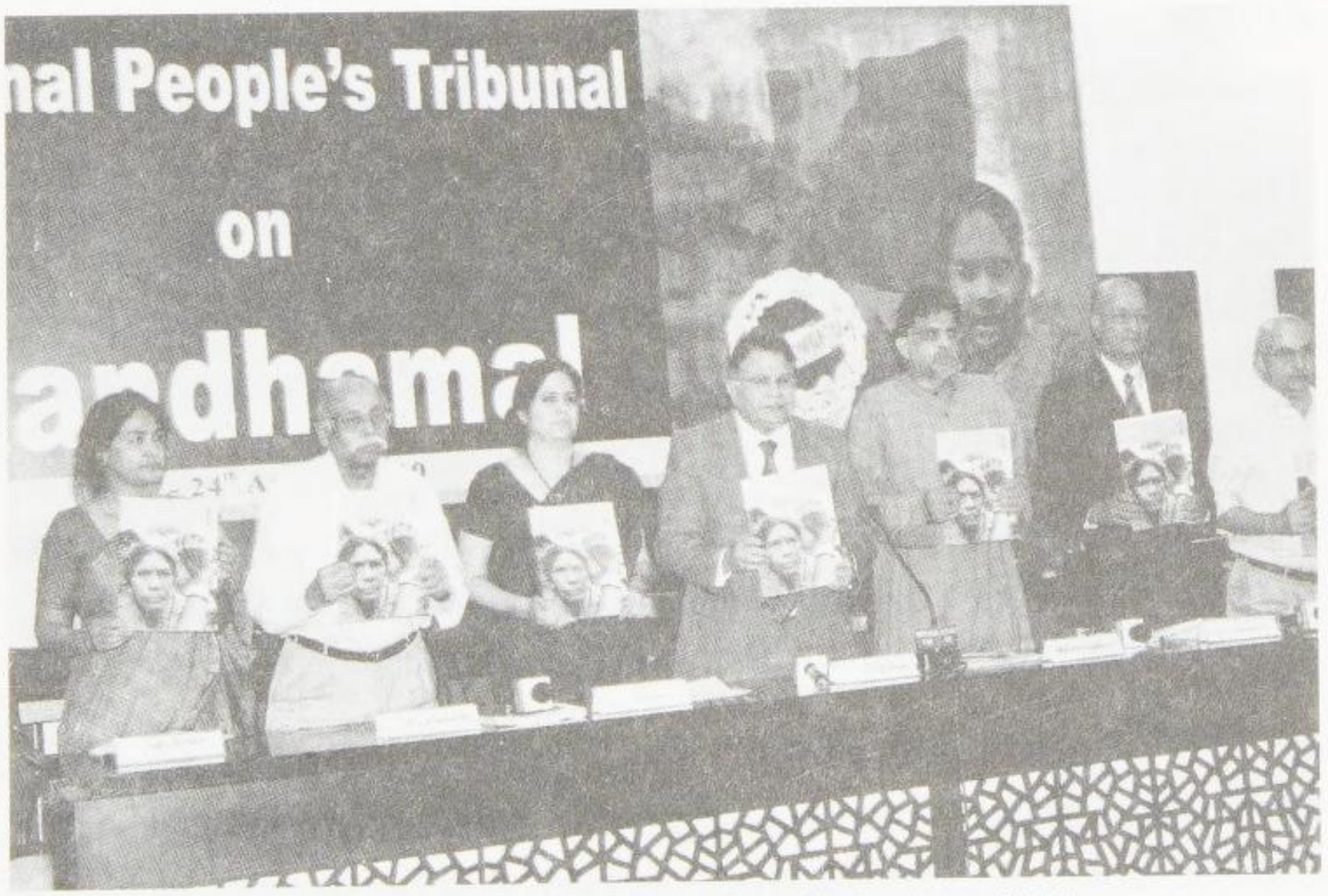
71 Criminal Writ Petition 126/2012 of Initiative to Justice, Peace and Human Rights in the Supreme Court

72 Ibid, pages 2-4

question "whether the victims of Kandhamal got a fair trial in view of the fact that the investigation was dishonest, public prosecutor was hand in glove with the accused and the Learned Trial Judge failed to perform his statutory duties which led to miscarriage of justice?"[73]

Such serious allegations raised in the writ petition pointed to several lapses on the part of all the major actors involved in the judicial process. After analysing several 'lenient sentences' of the Fast Track Courts, the MARG study on Kandhamal pointed out: "As seen in the above cases, it appears that ₹ 2,000 fine has been routinely imposed on all convicted persons without taking into consideration the gravity of the crime committed, and the value of the property damaged. The judge did not invoke Section 157 of the Code of Criminal Procedure, and impose a higher amount of fine, which, when recovered could have been paid to the victim survivor."[74]

The National People's Tribunal on Kandhamal in its final report cited another instance of miscarriage of justice quoting the testimony of Bidhyadhar Digal. His father, Jubraj Digal,



The National People's Tribunal on Kandhamal gives its verdict in August 2010

73 Ibid, pages 5-6
74 '*Kandhamal – the Law Must Change its Course*', page 116

was kidnapped while he was riding pillion on a motorbike on December 16, 2008.

"Bidhyadhar was unable to locate his father's dead body from the place of the incident subsequently. He complained to the police (who) recovered bones that they claimed to be his father's after a month, from a nearby river. The Public Prosecutor applied to the court for a DNA test but it was rejected. Due to inability to recover the body, the offence of murder was not proved and the accused was acquitted," the tribunal jury pointed out the contradiction in the response of the trial court.[75]

Need for retrial like Best Bakery and SIT into Kandhamal

The gross miscarriage of justice with the near total acquittal of those charged with heinous crimes like murder raised the question whether Kandhamal was not a fit case deserving retrial outside the State as well as setting up of a SIT to ensure a fair and just trial.

The police have remained hapless or reluctant to uphold the majesty of law as seen in the acquittal in the killing of their own colleague at Gochhapada with even police witnesses turning hostile in the trial of the murder of their colleague.

The Supreme Court had ordered retrial outside Gujarat and SIT into the Gujarat riots of 2002 after families of the victims and social activists moved the apex court as the special courts – set up to expedite the trial – routinely acquitted the accused in the Fast Track Courts in Gujarat.

The summary of the verdicts from the two Fast Track Courts that were set up to try the Kandhamal bloodshed and mayhem is an affront to the judicial system in the country.

The apex court's intervention had a catalytic effect as witnessed in the Best Bakery case retrial on the subsequent retrials in the Gujarat riot cases. Fourteen people had been burnt alive on March

75 *'Waiting for Justice – A Report of National People's Tribunal on Kandhamal'*, page 141

1, 2002 when a mob torched the Best Bakery, a small bakery in Vadodra, in which the victims had taken refuge following mob attacks.

After key witness Zaheera Sheikh turned hostile in court, the Fast Track Court acquitted on June 27, 2003 all the 21 accused named by Zaheera in her statements to the police and the NHRC.

A fortnight later, Zaheera gave a statement on oath before the NHRC in the presence of Teesta Setalvad, secretary of Citizens for Justice and Peace, about how she was forced to retract her statements in the court. On April 12, 2004, the Supreme Court ordered retrial of Best Bakery case outside Gujarat.

Nine of the 17 accused were sentenced to life imprisonment on February 24, 2006 in the retrial held at a special court in Mumbai.[76]

The ugly scar from Kandhamal on the face of the nation could have been repaired to a great extent if sincere steps were initiated to uphold the rule of law and the majesty of justice. The jury of the National People's Tribunal on Kandhamal spelt out clear steps to pursue this goal: "Constitute a Special Investigation Team (SIT) to re-examine the already registered FIRs for accuracy, examine registrations of fresh FIRs, the trials that resulted in acquittals due to intimidation and/or lack of evidence and recommend the trials that need be transferred or fresh trials be conducted outside Kandhamal."[77]

76 *'Chronology of events in the Best Bakery case'*, IBNLive.com, Jul 09, 2012
77 *'Waiting for Justice – A Report of National People's Tribunal on Kandhamal'*, page 180

Part II

Travesty of Justice

1

Innocents incarcerated -

First batch of Swami's 'killers'

Soon after the murder of Swami Laxmanananda and four others at the Jalespata Ashram at around 8 pm on August 23, 2008, saffron rumour mills worked overtime to spread the 'news' that Christians had killed the Swami.

No wonder within 24 hours, four of the 'Christian killers' were caught by saffron brigade and handed over to the police. Three more Christians were added to this gang of four under 'public pressure'.

These seven Christian 'killers' of the Swami – five of whom were battered by the mobs – were chained together in illegal custody for 40 days in police barracks at Phulbani. Despite the 'lie detection' test yielding no clues to the murder, the investigators let them off only three weeks after the test.

Here is the true story of what happened to them:

First catch – 13-year old boy and Pastor cousin

Billiam (William) Digal of Dungeri could not have guessed what was in store when he set off for Cuttack on August 23 accompanying his 13-year old first cousin Bikram Digal, illiterate and fatherless, to find him a job.

Along with Pastor Lal Kumar Nayak who was in the village to lead a prayer in his church on the previous day, the trio took a mini bus from Dungeri main road to reach Balliguda in the evening.

After 9 pm, the bus commenced the 350-km journey from Balliguda to Cuttack where Bikram was to join as helper in a school bus.

Half an hour later, the bus journey ended at Nuagam. Once news spread that Swami Laxmanananda had been killed, there was mayhem all around. Angry mob burnt used tyres to block the road.

Since Pastor Lal knew the house of one Chikku Parichha – a Christian, they went to his house.

After resting for a while in that house, Pastor Billiam and Bikram led by Pastor Lal – who was familiar with the area – walked over 30 km during the night to reach his house at Gunjibadi at dawn. As the day broke, Pastor Lal went for a prayer service at a distant church while Bikram joined Pastor Billiam in prayers at the Gunjibadi church at around 11 am.

"While we were in prayer, we heard shouts and roaring sound of motorcycles. They were shouting asking us to come out," recalled Pastor Billiam who was 32 at the time. When he came out, Billiam saw around 35-40 people and nearly 20 motorcycles.

"You Christians have killed the Swami. You know the killers," one of them screamed.

Billiam denied this charge and explained that they were on the way to Cuttack to find a job for the 'boy' Bikram who was only wearing shorts (not bermuda) at the time.

"Where are you from?" another one asked.

"Dungeri" replied Pastor Billiam. That reply let all hell loose.

"So, you are fleeing after killing the Swami or you know the killers," they pronounced.

(Dungeri was only 10 km from Jalespata Ashram where the Swami was murdered).

"They started beating me," recounted Billiam. Sensing danger, the two dozen Christians who had gathered for the Sunday service quietly dispersed.

"We are Christians. But we have not killed the Swami. We do not know the killers," Pastor Billiam repeated.

But the mob was getting angrier. Beatings turned worse. Billiam fell down. Irate guys jumped on the chest of diminutive Billiam, less than five feet in height.

"They even threatened to torch me alive," he recalled while Hindu slogans like *'Jai Sri Ram'* and *'Jai Bajrang Bali'* rent the air.

Lying bleeding and writhing in pain, Pastor Billiam could hear them discussing whether they should kill them.

The gang also started beating up 13-year old Bikram who was only in short pants, accusing him that "You are the one who stabbed the Swami."

That was after someone brought out their bag from Lal's house near the church and emptied it.

Bikram Digal in February 2016

"They put a knife and black masks along with the Bible in it," Bikram recalled. Since news had already spread that the Swami's killers had been wearing masks, he pointed out, the masks were put in the bag.

"It is still a nightmare for me," remarked boyish looking Bikram about the dreadful experience he had undergone nine years ago.

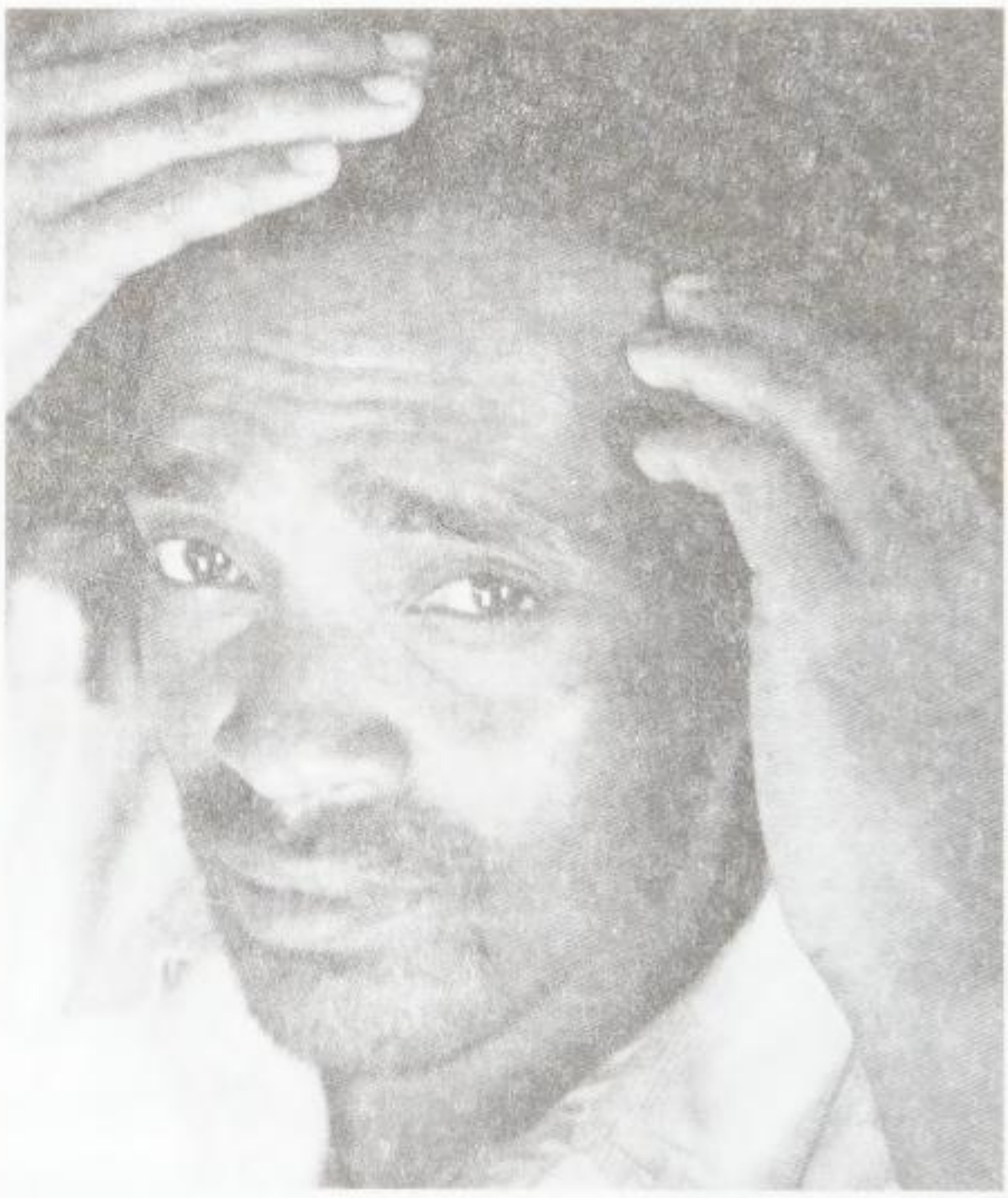
Soon both of them were dragged on to two bikes and taken to Nuagam police post – over 30 km away – accompanied by the crowd of bikers.

On the way, some of them suggested to halt on seeing a mob. But others insisted that the Christian duo be handed over to the police. Hence, they moved on.

"If they had halted on the way, they would have killed us then and there," added Billiam.

Over a dozen police were at the Nuagam police post.

"They tried to protect us from the crowd that had barged into the police post on seeing us being brought there," recalled Billiam.



Billiam Digal shows injury marks in February 2016

Jwahara Nayak, one of the senior officers at the post, was a Christian. The mob pushed him aside. But the officer stood firm.

"Don't kill them. They are in our custody. You can kill me if you want," the Christian police officer told the mob and kept them at bay.

Meanwhile, the local saffron leaders prepared a statement and alerted media people who started rushing in. Soon, news started flashing across Odisha and the country that the Christian 'killers' of the Swami had been caught.

Couple of hours later, a convoy of police vehicles accompanied by the CRPF took the 'killers' of the Swami to the police barracks in Phulbani.

"We were bleeding and had not eaten anything. I had deep cuts on the face, head and several parts of my body. The marks are still there," said Billiam putting his fingers to the gashes.

Despite young men jumping on him as if on a gymnastic mat, Billiam considered himself 'lucky' as he had no fractures from the torment.

Branded 'killer' when out to buy medicine

Jacob Pradhan of Bagadi village near Nuagam too had a similar fate when he ventured out to buy medicine for his ailing father.

He had headed for Nuagam market on August 24 morning after the Sunday prayer in the church.

"I had come to the market to buy medicine for my father Salman as he was suffering from acute Asthma," recounted Jacob. When he reached Nuagam, all the shops had been shut following the Swami's murder.

They were waiting for the funeral procession of the Swami to pass through Nuagam on the way to Chakapad for burial.

Jacob Pradhan

"I met a medical shop owner and asked for medicine. But he told me that he would open the shop only after the procession passed by in the afternoon," Jacob recounted. He went to his friend's house and returned to the market around 4 pm. The funeral procession was yet to pass.

Jacob found the pharmacist of the government dispensary – opposite the police post – sitting on the culvert outside. As he was asking the pharmacist for medicine, some people came and asked Jacob whether he was a Hindu or Christian.

With his father being the Pastor of his Bagadi village, Jacob was unwilling to hide his Christian identity.

"I am a Christian," Jacob told them.

Instantly, blows followed. He was assaulted mercilessly and dragged to the police post across the road.

"He is also one of the killers of Swami Laxmanananda," the mob leaders told the police.

In Jacob's case, the police response too was very brutal.

"Where are the other killers?" asked the police personnel and one of them hit him with the butt of the rifle.

But the belligerent mob that gathered at the police post was not satisfied. They tried to drag him out from the police custody.

Luckily for him, a senior police official arrived at the time and took him to Phulbani along with Billiam and Bikram.

Trip home turned him Swami's 'killer'

Hiralal Pradhan

Hiralal Pradhan of Padangi was pursuing a course in driving staying in the hostel attached to the Catholic church near the bus stand in Phulbani.

"Following the Swami's killing, we were living in fear as there were reports of attacks on churches and Christians," recalled Hiralal, a Xth class drop out, who was staying with a dozen Christian youth at the hostel.

Their fears came true when the funeral

procession of the slain Swami, accompanied by thousands of people, was stopped in front of the church on August 25.

Shouting anti-Christian slogans, dozens broke the compound wall and vandalised and desecrated the Christ the King Church in the presence of dozens of police led by the District Collector and other top officials.

"All of us ran out of the hostel and managed to slip through the backdoor," recalled Hiralal who was 20 years old at the time.

Along with his close friend Mikael Pradhan, Hiralal walked to Gonjuguda village as they felt it was 'dangerous' to stay on in the vandalised hostel. They reached Mikael's house in the night.

After spending the night there, they walked about 18 km to Sarsananda to reach the house of Hiralal's sister Pinki Pradhan. From there, he borrowed the bicycle of his brother-in-law and set off for Phiringia on the way to Padangi early next morning.

Two people riding a motorcycle stopped them in the morning and asked: "Why are you moving around? Are you Christians?"

When they replied that they were Christians and were trying to reach home, they tried to lurch at them.

"We started running in opposite directions leaving the cycle there. After two hours bracing through the jungle, I reached Telapally village," Hiralal recounted.

Since he knew the house of Jimmy Pradhan in the village, Hiralal went to his house and asked for water.

As he was drinking water, half a dozen people barged in.

"We saw you coming from the jungle side. Who are you? Why are you here? Are you a Christian," they fired a barrage of questions.

Hiralal replied that he was a Christian and was heading home.

As soon as he replied that he was a Christian, they started assaulting him and dragged him to the main road.

Phiringia police was soon informed over phone that they had caught a Maoist. The police rushed in.

"Where are the other Maoists?" Hiralal recalled what the police shouted at him.

They started beating him and one of them even hit him with the butt of the rifle.

What followed was a public trial on the roadside. Hiralal was dumbfounded. He tried to narrate his plight of fleeing from the hostel.

"But they did not believe me. The beatings continued while around 40-50 people watched. The assault was so brutal that I could not bear it any longer," recalled Hiralal.

But police ordered him: "You will name Jitendra Pradhan (from his village) as a Maoist linked to the murder." That was because, Hiralal reasoned, the police knew that Jitendra had been charged in a case of carrying a gun.

The police also told him that when top police officials question him, he should also name Father Mathew Puthyadom – who was in charge of the Phulbani church and hostel where he stayed – as one who had instigated him to carry out the Swami's murder.

"Otherwise, they threatened to torch me alive with kerosene then and there. I had no option. So, I agreed to confess, as they told me, to senior officials," Hiralal explained.

That ended the torture and the police took him to Phiringia station. From there, he was taken to Phulbani and handed over to the Crime Branch for questioning.

("Reports had appeared in the media naming me also among the conspirators in the Swami's murder," Father Puthyadom confirmed to me the rumours spread by the police.

"But police never came to question me on this. Senior officers must have realised that this (allegation) was concocted," he added.)

Forced confession made him 'killer'

"Come with us," police surprised Jitendra Pradhan, a 27-year-old petty contractor, on August 28 morning.

Jitendra Pradhan

"What is the reason?" Jitendra asked when police called him out from his house in Gudasahi area of Padangi.

But the police told him: "Don't ask for details. You come with us."

At 9 am, Jitendra accompanied the police to Sarangod police station.

Even after three hours, the police did not tell him why he was being made to stay there.

"Sir, what is the matter? I want to go home. My parents will be worried," Jitendra told the police.

"You have to stay here," an officer told him bluntly.

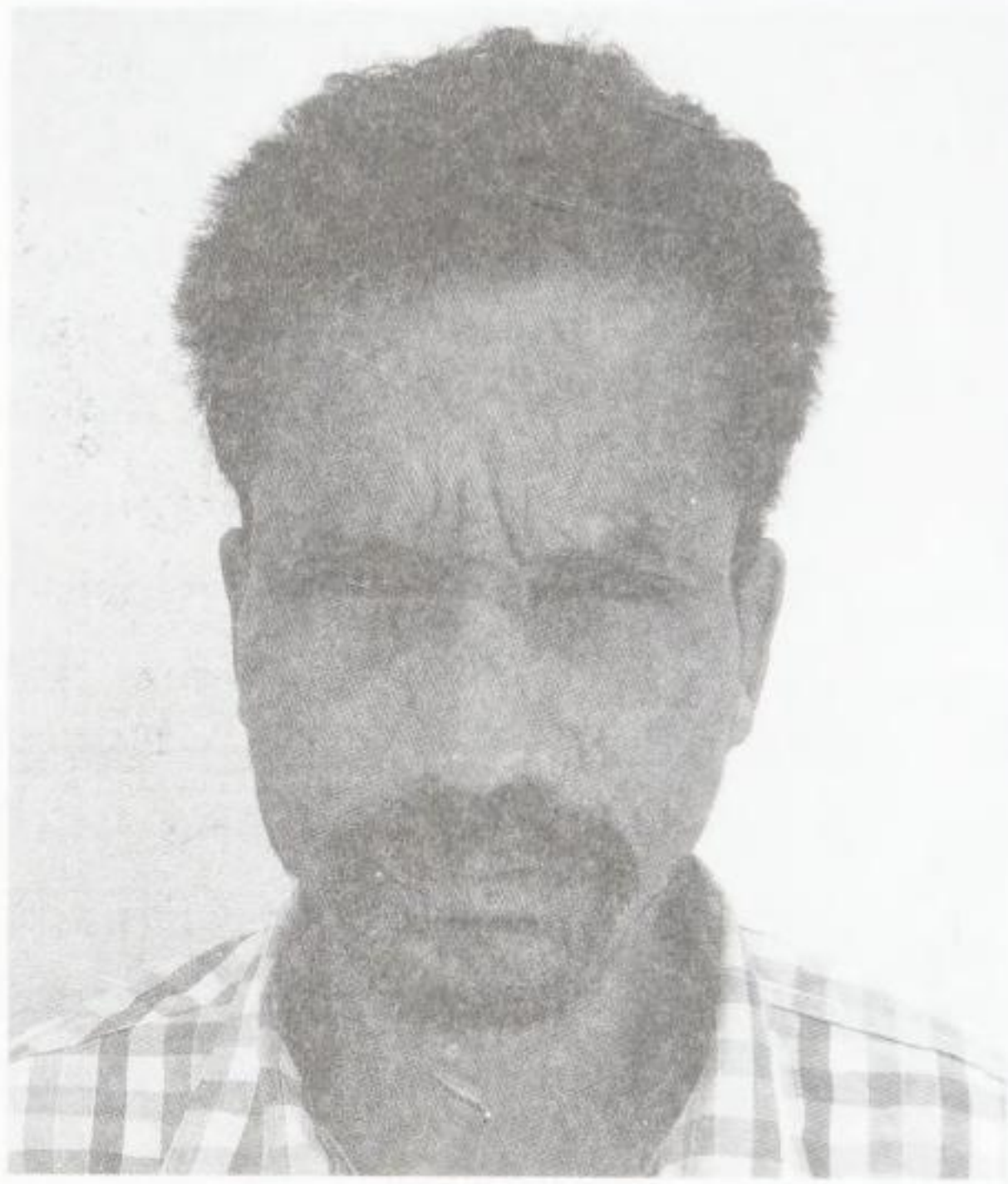
Within an hour, a couple of police vehicles arrived. Police were taking with them advocate Manas Ranjan Singh, one of the senior most Christian lawyers in Kandhamal.

Jitendra too was asked to get into the police vehicle and driven to Phulbani.

Only when the police started questioning him, Jitendra realised the reason for his detention. Police had forced his neighbour Hiralal to name him as one of the 'killers' of the Swami.

Yet, Jitendra confirmed that during the continued questioning by top police officials and later by Crime Branch officials, neither he nor any of the six others detained along with him were subjected to third degree treatment at the police barracks where they had been illegally detained for 40 days.

Saffron brigade called police, Pastor became 'killer'



Pastor Lal Kumar Nayak

"You are one of the killers of Swami Laxmanananda. Come with us," the police told Pastor Lal Kumar Nayak when they reached his house near Gunjibadi on August 24 evening.

Pastor Lal was stunned and told the police that he knew nothing about the Swami's murder.

"We have got a complaint naming you as one of the killers. You have to come with us," said the police officer sternly. Pastor Lal realised that he had no choice and got into the police vehicle.

"The police did not torture me," recalled Lal who was 40 years old at the time.

It was the culmination of a dramatic day in his life since he reached home early morning after walking over 30 km from Nuagam where his bus journey to Cuttack along with Billiam and Bikram had ended following the Swami's murder.

Soon after that, he had left for conducting Sunday prayer in a church. When he returned to Gunjibadi, he came to know that both Billiam and Bikram had been taken away by a motorcycle-borne group.

Soon he reached Gunjibadi market, two km from his house. He was told that they were already in Nuagam. Hence, Pastor Lal returned home and decided to rest.

"I woke up hearing roaring sound of motorcycles. Twenty to thirty people had come," recounted Pastor Lal.

"You are one of the killers of the Swami. Come out," some of them yelled.

Pastor Lal took out his father Katar Nayak's licensed hunting gun and came out.

"Before I die, I will kill somebody," he told the saffron gang. Stunned by his aggressive response, they panicked and left.

Sometime later, Pastor Lal went to the market again to find out from his contacts what had happened to Billiam and Bikram. Some Hindus who knew his Christian identity confronted him and started assaulting him.

Sensing danger, he fled and reached home.

He was holding the gun in his hand 'fearing more attacks' when the police arrived to pick him up as they had got a complaint naming him as one of 'killers' of the Swami.

The police did not question him about brandishing the gun, Pastor Lal said, since the police knew that the gun was a licensed one.

Catholic lawyer among Swami's 'killers'

Advocate Manas Ranjan Singh was the big fish among the seven Christian 'killers' of the Swami, who were initially detained by the police. Besides being one of the senior most Christian lawyers of Kandhamal, Manas was at the time the general secretary of the Christian Jan Kalyan Samaj (Christian People's Welfare Society).

"Where were you hiding? You are one of the killers of Swami Laxmanananda," alleged Niranjan Sahoo, a prominent Sangh Parivar activist, when Manas stopped his car to fill petrol at a shop in Daringabadi town on August 27 at 2 pm. (*Since Kandhamal district had only a handful of petrol pumps at the time, petrol was sold mostly in bottles in shops.)*

Soon more people gathered around him and began arguing with Manas.

"Come with us to the police. Why are you afraid?" Niranjan challenged him. But Manas refused saying they were making wild allegations.

Soon Purna Chandra Pradhan, IIC (Inspector-in-Charge) of Daringabadi arrived on the spot. Within no time, CRPF officials also reached.

"Later I came to know that police arrived only after the (Hindu) fundamentalists called them up two dozen times saying that they had caught a killer of the Swami," Manas recounted.

Police officials separated Manas from the crowd. Since he was a lawyer, they made him sit in a chair near the roadside eatery and started questioning him.

Advocate Manas Ranjan Singh

"You are one of those who had attended the Raikia meeting in which Christians planned to kill the Swami," alleged a CRPF official after reading a paper from his pocket.

(In fact, soon after the Swami's killing, a list of two dozen Christian leaders and prominent clerics of Kandhamal had been in circulation naming them as key conspirators who had brought 150 people for a meeting at Raikia on August 9, a fortnight before the Swami's murder.

Manas was named as fifth in the list of Christian leaders and was accused of bringing '*more than 25 persons from Daringabadi and Brahmnigaon (his native village) in two vehicles to the MEETING OF CONSPIRACY AT RAIKIA TO KILL SWAMIJI*'.[78])

MEETING OF CONSPIRACY AT RAIKIA TO KILL SWAMIJI

ne : 2.00 P.M. to 6.00 P.M. Date : 05/08/2008

ace : Kalumaha

ople present :

-- Krushna Paraseth	Tumundibandha with 25 other persons in 2 vehicles.
2. Gajapati Mandal	Tumundibandha with 35 other persons in 2 vehicles
3. Nakul Nayak, Ex-MP	Brings 12 persons from Kothagarha & Tumundibandha in his own vehicle.
4. Manas Singh	Brings more than 25 persons from Daringibadi and Brahmanigaon in 2 Vehicles.
5. Bijay Kumar Parichha	Raikia NGO "AJKA" brings 12-15 persons from Deegi
6. Harihar Das	Raikia NGO "ASRA"
7. Sukant Nayak	Raikia NGO "SAHARA"
8. Nalin Nayak	Raikia "BAPIST PASTHER"
9. Chandra Nayak	Raikia NGO "LOVE INDIA"
0. Sisir Parichha	Raikia NGO "ASA INDIA"
1. Tarini Parichha	R.I. Indragarh with 12 persons
2. Lalit Digal	Teacher Sugudabadi with 10 persons from Sugudabadi.
3. Raju Parichha	Raikia
4. Ranjan Digal	Raikia
5. Buti Nayak	Gundhani
6. Pradeep Nayak	Raikia
7. Atulya Nayak	Barkhama with 10-[illegible] persons with one vehicle.
8. Bijay Nayak	NGO "ASAKIRAN" with 10 persons from Kurtamgarh
9. Siris Mallick	Kurtamgarh with 10 persons from Kurtamgarh in own vehicle.
0. Alfanse Baliarsingh	Raikia Church Father

resent persons more than 150 (Apprx.)

1. The leaflets against Swamiji were distributed after Xeroxing at "Lenka" Telecom Centre near Raikia Block.
2. "Sahoo Hotel" was asked to prepare meals for 150 people.
3. Special Branch G. Udayagiri have investigatd the matter and reported it the Government on 12/08/2008.

78 List of Christian leaders circulated by *Hindu Jagran Samukya* alleging them as participants of the 'conspiracy meeting' on August 9, 2008

"These are all lies," Manas told them.

(Being a senior Christian leader, Manas' name had also figured in the second list of the 'CONSPIRATORS AND KILLERS' who were alleged to have attended the follow-up meeting on August 14 – Independence Day eve – at Padangi.)

After three hours of questioning in public, the police took him to Daringabadi police station for the night and the questioning continued.

Senior police officials took Manas to Phulbani next morning. The convoy halted at Sarangod police station on the way. The local police were waiting to send Jitendra – who had been detained by them in the morning – to Phulbani.

When he reached the police barracks, Manas and Jitendra were put in a hall along five other Christians who had been already brought in as Swami's 'killers'.

Seven innocents chained together

"Sir, do you remember us? We met in Nuagam house," 13-year old boy Bikram surprised him. He reminded Manas of their first meeting on August 23 night.

(When Manas was driving from Bhubaneswar to Balliguda (300 km), he was forced to halt in Nuagam – 18 km from Balliguda – at night due to the road block following the Swami's killing.

After looking around, Manas saw a house open and walked in. There he had met Lal, Billiam and Bikram after their bus journey to Cuttack had been disrupted by street protests.

Soon the police reached the spot. They dispersed the mob and cleared the road block. Manas continued his drive to Balliguda.)

Manas recalled their first encounter and burst into laughter. Thus, all the seven Christians became friends – united by misery.

Soon police in and chained them all together on their legs or hands and hooked the chain to the window, bonding them physically too.

"One week later, they removed the chain from my leg," recalled Bikram with his facing turning cheerful. That was after the police on their guard had pity on the 13-year old since he had swelling on the ankle where he was chained.

The police had no other option either as his palm was too small to lock the chain.

Unlike the brutal assault by the mobs, and by the police in the case of Jacob and Hiralal, Manas pointed out, none of them was subsequently tortured despite over a dozen top police or Crime Branch officials questioning them repeatedly during the 40 days they spent in illegal police custody.

Lie detection test for 'killers' caught by saffron mob

After the intensive questioning, Manas recounted, they were taken to Bhubaneswar for 'lie detection test'.

The polygraph test on these seven Christians were held over two days during September 13-14 at the State Forensic Laboratory (SFL) in Bhubaneswar.

"The analysis and evaluation of Polygrams reveal no deceptive responses in respect of Manas Ranjan Singh, Hiralal Pradhan, Jitendra Pradhan, Lal Kumar Nayak, Bikram Digal, Billiam Digal and Jacob Pradhan," confirmed Srujan Prakash Das, SFL director, in his report presented on September 16 to the Crime Branch SP.[79]

The report that absolved them of any role in the Swami's murder had also listed the six to seven different questions that had been posed to each one of them to verify if they had any link to the murder.

However, even after the tests yielding 'no deceptive response', the seven Christians were kept in detention mysteriously until October 3 when a senior official told them: "You are free. You can go."

79 Polygraph (Lie-Detector) Test Report, memo 6858, SFL Bhubaneswar, September 16, 2008

Manas with Billiam and Bikram in February 2016

But their release came with a condition. Each one of them had to sign a declaration: "Out of fear of mobs, I surrendered voluntarily to the police."

"As a lawyer, I knew this was illegal. But I just wanted to get out," Manas explained his dilemma when he was asked 'to write the declaration'.

Indignant about his illegal detention and true to his fearless nature, as evident in confronting the saffron gang with his gun, Pastor Lal even challenged the illegal detention in the court.

However that petition failed to have any impact as it did not progress beyond routine notice to the police.

Travails of innocent seven

At least once a month, seven illiterate women from remote villages around Kotagarh –130 km from Phulbani – would gather in one of the houses of their contacts in the evening to catch the early morning bus to Balliguda. From there, they would board another bus to reach Phulbani, 80 km away.

Debaki Sunamajhi seldom failed to join the other six – all of them wives of seven Christians convicted in October 2013 for the Swami's murder. This journey to meet their husbands was a luxury they could afford only with the support of generous sympathisers.

Eager to share their sorrows, the wives hardly missed the opportunity for a meeting with their spouses when they were produced in the Fast Track Court at Phulbani, handcuffed like hardened criminals following their arrest in late 2008.

It was in July 2012 that I met for the first time the 'seven sisters' who continue to carry the agony of Kandhamal. They were already in the court when I reached to watch the spectacle of the accused seven being brought to the court with their hands chained together. One could recall such a scene only from movies of yesteryears, with special forces carrying automatic rifles escorting them.

Lamb branded wolf

An illiterate, Bhaskar Sunamajhi was playing cards with his friends in Kutiguda village when the police came to fetch him around noontime on December 13, 2008. Bhaskar was not surprised

when the police team, including one of them in uniform, came in along the pathway to the row of mud-thatched houses after parking their jeep along the jungle track. Being a 'gram rakhi' (village protector), police used to drop in even at odd hours to fetch Bhaskar to accompany them for crime investigation and other sundry works.

Police asked the 32-year old to change his lungi and put on pants and shirt. Without any hesitation, Bhaskar got ready. They also asked him to take money for his expenses.

Bhaskar Sunamajhi

"Come now. You can return tomorrow," his wife Debaki heard the police telling him. Soon, the police jeep sped away with him.

Debaki felt something wrong since Bhaskar did not return even after two days. She went to the police asking for the whereabouts of her husband.

"Has he not returned?" was the sarcastic response from the constable at the Kotagarh police station, located 25 km from her home.

Later, a senior officer came in and told her: "He will come after six months."

However, even after nine years, Bhaskar is yet to return home. The jail in Phulbani has been his home since then.

Bhaskar is one of the seven Christians who had been arrested and convicted for the mysterious murder of Swami Laxmanananda at Jalespata Ashram, located almost 50 km from his jungle village.

After four years of trial in the Fast Track Court, Bhaskar along with six other Christians was found guilty on September 30, 2013 and convicted to life imprisonment on October 3.

The verdict and the conviction order were pronounced by new Additional Sessions Judge of Phulbani Rajendra Kumar Tosh. That was after Fast Track Court Judge Biranchi N Mishra, who had virtually completed the trial, was transferred before he could pronounce the verdict since the Fast Track Court was shut down in March 2013.

Legal experts opined that judge Mishra should have been retained to complete the trial and deliver the verdict instead of a new judge being brought in towards the fag end of the protracted trial.

Two years later, I had a poignant meeting with Bhaskar inside the prison in the company of his seven-year old son Daud. Under the jail norms, I was told, only if a family member accompanied me, I could visit him. Since Daud has been studying in a government school in Phulbani under the care of a Pastor who was sheltering several other kids too, it was easy to take the boy to accompany me.

The boy had little chance of attending school from his house at remote Kutiguda village, located in deep jungle - 25 km away from Kotagarh with the last 15 km of the road being a mud and rubble jungle path. Hence, when the boy was four years old, Debaki took a hard decision to leave her only son with the Pastor so that her son would not remain illiterate like his parents. That was a tough choice for Debaki as she had to spend an entire day to reach Phulbani from her village, 160 km away, changing buses several times to meet the boy.

"I don't want him to be illiterate," Debaki explained her hard choice to keep her only son away from her while she coped with bouts of depression in the jungle home. Daud, born after seven years of marriage, was only six months old when Bhaskar was taken away by the police.

Unforgettable meeting between father and son

Bhaskar's Wife Debaki with their son Daud

After waiting for an hour, we entered the visitors' area. Soon Bhaskar appeared on the other side along with a couple of other prisoners. With two grills at a distance of three feet separating the visitors and the prisoners, each one had to practically shout to be heard.

Enthusiastic Bhaskar was firing questions with beaming eyes to Daud – how he was doing in the 'hostel' home and at school. On the contrary, the indifferent response of his son will remain etched in my memory for long. Daud seemed virtually lost and struggled to open his mouth despite the flurry of questions from his father. Daud confined himself to a shake of his head or monosyllabic responses to the enthusiastic queries.

Daud could not be blamed. He has met his father only in court when he used to be produced in handcuffs during trial and later behind bars after his conviction in October 2013. With the boy remaining aloof as if a stranger was talking to him, Bhaskar's beaming eyes slowly turned watery. On the contrary, a couple of prison mates who were jostling for space with him were chatting merrily with their wives.

"A month later, I visited him in Balliguda jail after the police told me that he was there," Debaki recalled. Later, Bhaskar along with other Christians was moved to Phulbani jail.

"I am often moody and depressed. I have no interest in doing anything," Debaki narrated sitting in the mud-thatched house in October 2015. Following the death of her father-in-law Bruhmi Sunamajhi, the younger and elder brothers of Bhaskar have been helping her with tilling the paddy fields and continue the cultivation for her survival.

Hindu villagers vouch for Bhaskar's innocence

"This is a total lie. He was with us on the day (the Swami was killed)," Birancha Paraseth, a Hindu of the village, vouched for the innocence of Bhaskar.

"Bhaskar does not drink at all and is a very good man. He would not retaliate even if anyone harmed him. He cannot do anything of this sort," reiterated Birancha.

Refuting the prosecution claim during trial that Bhaskar was spotted in jungle with three other accused Christians – Bijay Kumar Sanseth, Gornath Chalanseth and Budhadev Nayak – on December 13, the Hindu neighbours reiterated that he was in the village on that day.

"He was taken away in front of us from here. He was with us in the village," repeated Jambingra Muthamajhi. Further, he pointed out that police had never stepped into the village to investigate the murder allegation against him.

"He is a good man. He will not do such a crime like killing of a Hindu leader. All of us feel very bad about this," quipped another Hindu, Pavitra Sanseth.

"Sir, we all would have gone there (to the court) and explained his innocence if we had an opportunity. Please tell us how we can help and ask for his release," he added.

Rame Mallick, a Hindu and ward member of the village, too jumped in defence of Bhaskar: "He is a very good man. He could not have done something of this sort. Others can beat him. But, he will not retaliate. He was at home on the day (of Swami's murder)."

"We want to testify in the court. Nobody has come here to investigate this. We are in the jungle and do not know what to do. Sir, please suggest to us what we can do for this innocent man," he pleaded.

Asked for any possible reason why they felt he had been 'framed up', they said: "We do not know why this has happened."

As I prepared to leave with my interpreter after an hour-long interaction with the villagers of Kutiguda with 47 families - half of them Christians, Pushpakant Sunamajhi, elder brother of incarcerated Bhaskar, raised the poignant question: "How long will it take to get him released?"

"We are praying for his release," my interpreter explained to me what the Christian women from the village were saying as we walked back to the vehicle.

Tormented families

For the seven wives, the world had turned upside down with the arrests of their spouses. Like Bhaskar, three of the other six convicts too had kids below one-year when they were jailed on the trumped up charge of murdering the Swami.

Once or twice a month, the distraught wives would head to the Fast Track Court in Phulbani - 160 km or six hours of bus journey along Kandhamal's porous roads.

Except for Bijay Kumar Sanseth who dropped out after eighth standard, the other Christian convicts had never been to school as they lived in one of the most inaccessible areas of Kandhamal and have seldom moved out of it.

Yet they were not only accused of carrying out a killing. But the trial court found them guilty and convicted them to life imprisonment reiterating that: *"As noted earlier the offence has been committed in a highly professional manner."*[80]

'Dumb' man among seven convicts

Munda Badamajhi

Take the case of Munda Badamajhi, 34, who was picked up by the police in his sleep from his house in the night on October 4, 2008 from Duringpodi village under Madaguda panchayat. Bandigudali, his wife, did not shy away from revealing the true character of her beloved from the same village – when I met her at her house in October 2015.

"He would never go outside the village even for buying his own clothes as he could not distinguish between different denominations of notes. I had to buy lungi for him. He had to depend on others for everything," an illiterate like Munda, Bandigudali said candidly.

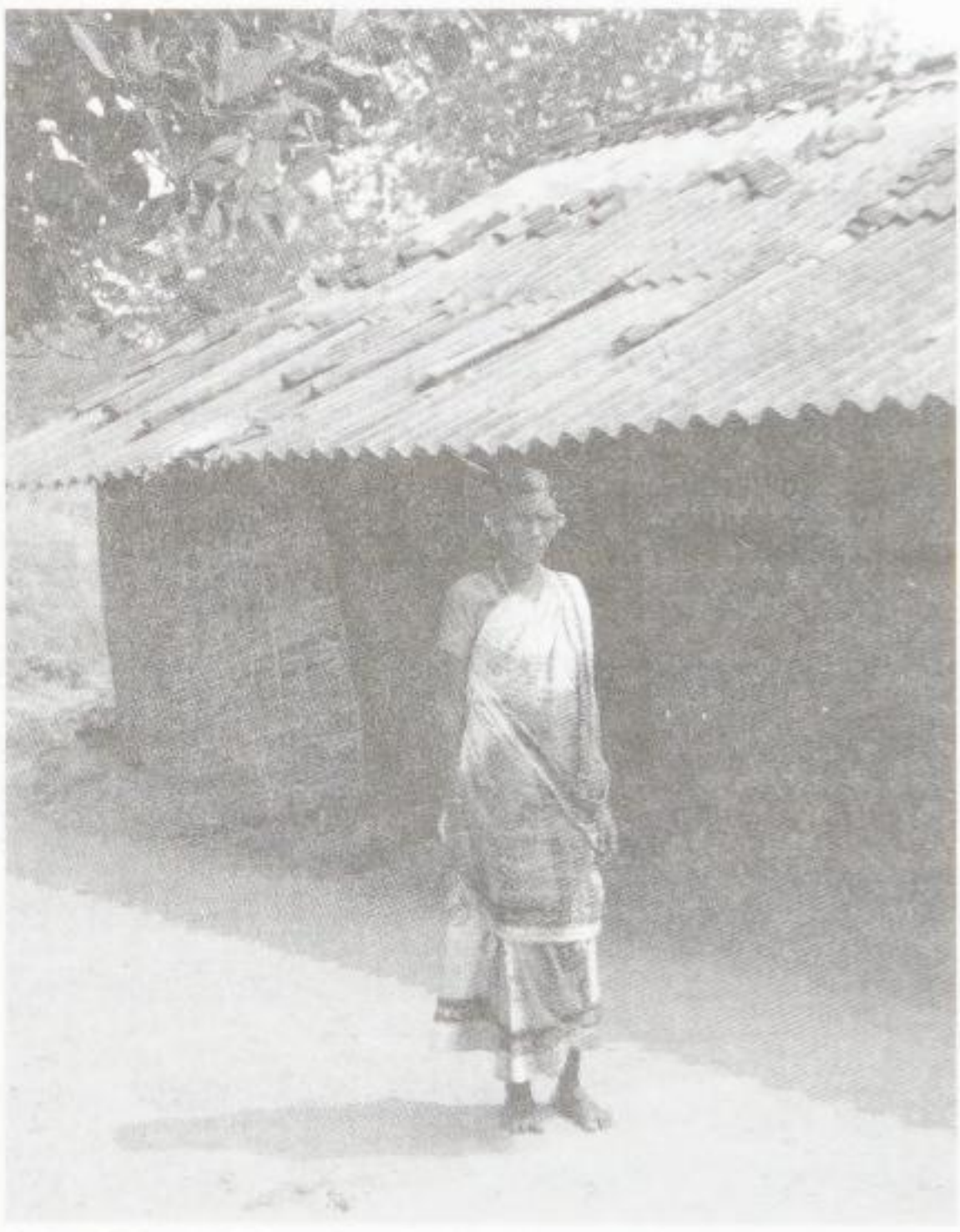
"He cannot communicate properly. He would not even mix with other village people due to lack of self-confidence or join them for a drinking session. He works in the field, eats and sleeps at home - like an animal. He is like a dumb man," she confided stopping short of describing her husband an 'idiot'.

Yet, the judge who convicted the seven accused declared that the prosecutor had argued the case *'meticulously*[81] and produced the *'reliable witnesses'* to prove the charge of murder against the accused.

80 Verdict in Swami Laxmanananda murder trial, para 26, page 30
81 Verdict in Swami Laxmanananda murder trial, para 13, page 13

"It was around midnight when the police came and pushed open the door. They woke him up and tried to take him away. He asked them 'why are you taking me away?' They did not reply. I wanted to give him a shawl. But the police did not allow me," Bandigudali recounted the arrest of her husband. They told her: "We will give him."

As the police left, she noticed that they had landed up in the village in three vehicles with over two dozen personnel, including women constables.



Munda's wife Bandigudali in front of her house

After three months, Bandigudali came to know that her husband was in Balliguda jail. Together with Badusi, the wife of Sanatan Badamajhi, Bandigudali went to meet him in jail. Munda told her that he was 'tortured badly' during the detention and that they had even taken him to a 'distant jail'.

While reiterating that Munda was at home on August 23 night when he is alleged to have been in the mob of 25-30 people who carried out the murder at the Ashram, Bandigudali is baffled by the prosecution claim that a muzzle-loading gun had been recovered from their house.

"We never had a gun and my husband did not know how to handle a gun. This is shocking," asserted Bandigudali. Further, she pointed out that no police personnel or investigator had ever visited her house to verify such an allegation after the midnight raid.

Yet, the judgment that found the seven accused guilty and convicted them to life imprisonment pointed out: "*His* (Investigating Officer S K Patnaik's) *evidence with regard to seizure of the muzzle-loading guns from the house of Duryodhan Sanamajhi, Munda Badamajhi and a gun from the house of Sanatan Badamajhi clearly implicate the above accused persons.*"[82]

The judge also dismissed the submission of the defence lawyer that *"the investigating officer has manufactured the case in order to rope in the accused persons and this court in absence of any corroboration from independent source should not rely upon his evidence. He has shown the seizure of guns at the house of Duryodhan Sanamajhi, Munda Badamajhi and shirt at the house of Sanatan Badamajhi and had attempted to implicate them for some ulterior motive."*[83]

It had been a harsh life for Bandigudali since her husband was dragged away in sleep nine years ago. Subasso, the couple's eldest son, who was in Standard IV when Munda was taken into custody, soon dropped out of school and turned a labourer to support his mother to look after three younger siblings. While the two younger sisters too have dropped out of school, Mosa, 12-year old youngest son, is studying in a hostel in Kalahandi, 110 km away from Kotagarh.

Being popular proves costly

Bijay Kumar Sanseth, 42, the only one who has been to school among the seven Christians convicted for the Swami's murder, was a leading government contractor of Kotagarh and a leader of the Baptist community.

Police called up Bijay on his mobile phone on December 12, 2008 when he was in the Kotagarh market with his friend Basant Paraseth.

82 Verdict in Swami Laxmanananda murder trial, para 22, page 24-25
83 Ibid para 20, page 24

Bijay Kumar Sanseth

"When he came back home in the evening, he told me that the police had called him to the station and that a senior officer wanted to meet him next day," Pabitra Sanseth, Bijay's wife recounted, in October 2015 sitting in her house at Madhuguda, eight km from Kotagarh.

On December 13 morning, Bijay went to the field to till the land with his new tractor that he had purchased with a loan from the bank, and returned home by 10 am. That was to proceed to the police station with Basant as the police had asked him to. Bijay did not return home for the night, Pabitra said. Later Basant found out from police sources that he had been taken to Rayagada jungle, over 100 km from Kotagarh.

"Three days later, we came to know that he was in Balliguda jail," recounted Pabitra.

Conspiracy cooked up

But the investigation team had cooked up a different story alleging that Bijay was part of those who stood near the gate of the Kotagarh High School on the busy main road and discussed publicly the conspiracy to murder the Swami.[84] This claim was attributed to Mahasingh Kanhar (Prosecution Witness 17), a Kandho tribal migrant to the region and active member of the Sangh Parivar. Mahasingh who had initially refuted the prosecution claim attributed to him made a U-turn and later endorsed the prosecution claim on retrial.

Similarly, Mahasingh had also endorsed during retrial the prosecution theory that Bijay and Gornath had distributed sweets in the Kotagarh church after the Swami's murder.[85]

84 Verdict in Swami Laxmanananda murder trial, para 11, page 11
85 Ibid

Santosh Kumar Patnaik, Investigating Officer in the sensational case who was at the time Deputy Superintendent of Police, CID (Crime Investigation Department), Crime Branch, Cuttack, also knit together a fairy tale. After the murder of the Swami, the killers had woken up Uttam Gauntia around midnight asking for liquor to celebrate their success. It was on the basis of this testimony of Uttam (which he had denied flatly even during retrial) that the police claimed that they arrested Durjo (Duryodhan) Sunamajhi, Munda Badamajhi and Sanatan Badamajhi on October 4 night.

Stretching the detective imagination further, the prosecution claimed that the arrested trio on interrogation disclosed the names of *'Ajad, Budhadev Naik, Garnath Challanseth, Bijay kumar Sanseth and Bhaskar Sunamajhi as other accused in this case.'*[86]

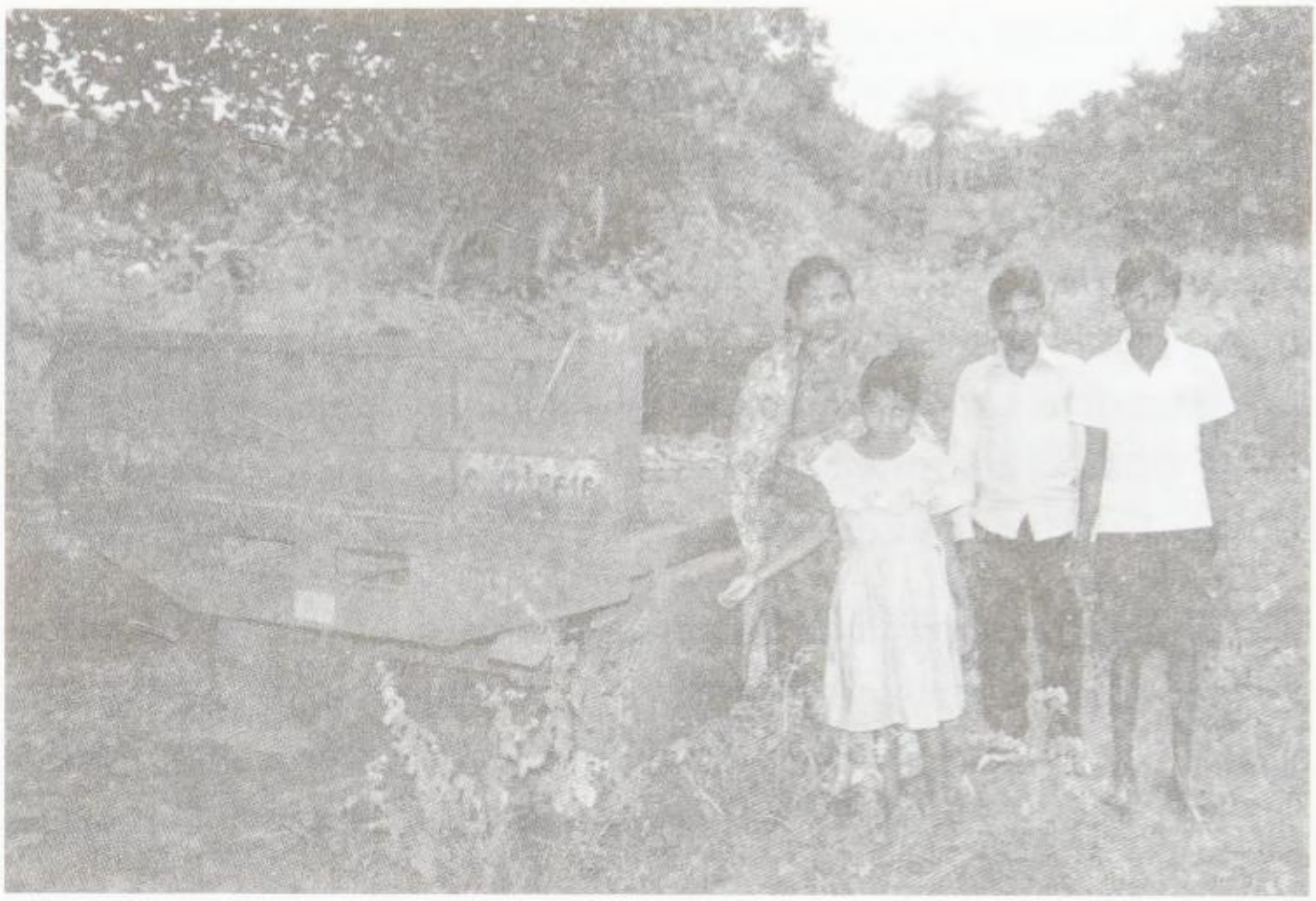
Further, the Investigating Officer asserted that *"on 12.12.2008 he got reliable information regarding presence of the accused persons Bijay, Garnath, Buddha, Bhaskar near a forest near village Sartul under Kotgarh police station to attend a meeting held by Maoists. On 13.12.2008, he reached Kotgarh P.S. and found that Kotgarh police had already apprehended Bijay and Garnath. He interrogated both of them. On the next day, he apprehended Bijay, Garnath, Buddha and Bhaskar and shifted them to Chandili police station on security point of view for further interrogation."*

(This entire cooked up plot that stretches human imagination to wildest level is dissected and the fallacy exposed in the fourth chapter titled *'Questionable evidence'*.)

"Wherever I go, people tell me 'He was a good man. Why he is in jail?" Salei Sanseth, illiterate father of Bijay told me in October 2015 at his house - adjacent to the house of his imprisoned eldest son.

"The popularity of my son and his high contacts with government officials have led to this tragedy," Salei explained how his son got framed up in the Swami's murder case.

86 *'Brief Facts of the Case'* submitted by investigating officer S K Patnaik in Fast Track Court during Swami Laxmanananda murder trial, January 30, 2009, para 4, page 2



Bijay's wife Pabitra with their younger children near the rusting tractor trolley

Being a popular Christian leader in Kotagarh (an area with strong Christian presence), Salei reasoned, the forces opposed to Christians targeted his son, the eldest of his five sons, and named him as one of the main accused in the murder of the Swami.

"Many were jealous of him," summed up Salei. As the secretary of the Baptist Union in Kotagarh, he added, Bijay knew three of the accused Christians and all of them were named in the murder along with Bijay.

In a hurry to cook up the case, the investigation team even failed to record his proper age. While the chargesheet says he was born in 1972, his real year of birth in the voter identity card is recorded as 1966.

Harsh on the family

Bijay's arrest turned everything upside down suddenly for the family that was leading a comfortable life. With six children aged below one to 13 years at the time, Pabitra has been struggling to keep things moving. Sohano, one-year old youngest daughter afflicted with epilepsy, kept crying all the while.

"We have stopped cultivating most of our land," she sighed standing near the bushes that have covered the expanse of cultivable land around the house. "Last year, I gave the paddy fields for lease. This year nobody came forward to take it up," Pabitra said.

Only a few patches of blue remain on the tractor carriage trolley that has turned brown with rust. The engine of the new tractor Bijay had bought on loan has been dismantled and kept inside the house to prevent rusting.

"Initial payments (against the loan) we made have been swindled as they were not deposited in the bank," added the distraught wife. Though no recovery notice has been served on her, that is the last thing she wants as she struggles to look after the six children.

"I would have continued my studies if my dad was with us. Now, I have to support my mother. So, I had to stop studying to look after the family," Karneyel, 20-year old eldest son of Bijay, summed up the plight of the family tormented by a trumped-up murder charge.

However, the gloomy face of Pabitra lit up when asked about the result of the Open School examination for which Bijay had been shifted to the jail in Berhampur in March 2015 – when I first interviewed her.

"He passed with distinction," said Bijay's wife proudly.

Charged with murder despite being away

A home guard for the police, 35-year old Durjo Sunamajhi retired for the night early after a drink on October 4, 2008 night in his house in Budapada village.

He was carried away by the police while asleep only in a lungi.

Durjo Sunamajhi

"Who are you? Why are you carrying me?" some of villagers in the cluster of houses nearby, including his niece, heard him say as the police carried him away.

After putting Durjo in the van, police banged on the door that fell apart and searched the house. Hearing the noise, his wife Gumili got up and asked the police what they were doing.

"Don't make noise," the police cautioned her. They searched the house and picked up the broken ancestral hunting gun that was lying unused for years.

"My husband never touched a gun. The gun was broken and only the barrel was there," recalled Gumili.

Gumili has not yet understood how the police could charge her husband with the Swami's murder as he was not even in Kotagarh area on the fateful day.

Durjo had accompanied Debonath Rupamajhi, Andrea Sunamajhi and Sukantho Mallick and reached Muniguda railway station on August 22 to go to Kerala since Andrea had been working in the canteen of Lisie Hospital in Kochi.

"When the train came early next morning, they were sleeping and missed it," said Jeremiah Sunamajhi, who had met Pranab Mukherjee, the President of India, on September 7, 2015 with a delegation of Kandhamal survivors. The delegation was led by Brinda Karat, senior leader of the Communist party, demanding the release of the seven innocent convicts.

"Hearing the noise at midnight, I came out and saw the police taking away my uncle. When I questioned them, police put me also inside the vehicle," Jeremiah recounted. There were at least 30 police personnel in three vehicles.

Durjo's wife Gumili in front of her house

When they returned after the search and 'seizure' of the gun, police made him sign two papers and let him off. "I do not know what were those documents?" Jeremiah said.

Further, he added that Durjo's elder brother Sarbe Sunamajhi had even shown the train ticket to Kerala to the police as proof that he was not in the area on the day of the Swami's killing. Sadly, the illiterate villagers did not have the foresight to preserve the ticket to contest the police claim.

Asked how she was managing her family with her husband in jail, Gumili said: "The children are missing their father."

"We were living comfortably. But, the arrest has made our life miserable. The land is not cultivated and is now lying barren. The children do not know how to plough the land," she added.

Axe planted by police nailed him

"We were sleeping when the police came in at around 11 pm and forced open the door. They made him (Sanatan) stand in the veranda and kept an axe there. When I saw the axe, I asked

Sanatan Badamajhi

the police: "Who kept the axe here?" recounted Badusi - wife of Sanatan Badamajhi, a labourer living in a one-room house built under the Indira Awas Yojana in Parigado village.

"But, they did not respond. They took him away along with the axe saying he will return tomorrow," she recalled.

Meanwhile, Nimantho Badamajhi, Sanatan's elder brother, came out of his house hearing the commotion. But, police sent him back saying: "You go and sleep. Nothing will happen."

Badusi later came to know that police had brought the axe from the house of Mukantho Mallick, a Hindu neighbour who had accompanied the police to identify Sanatan's house.

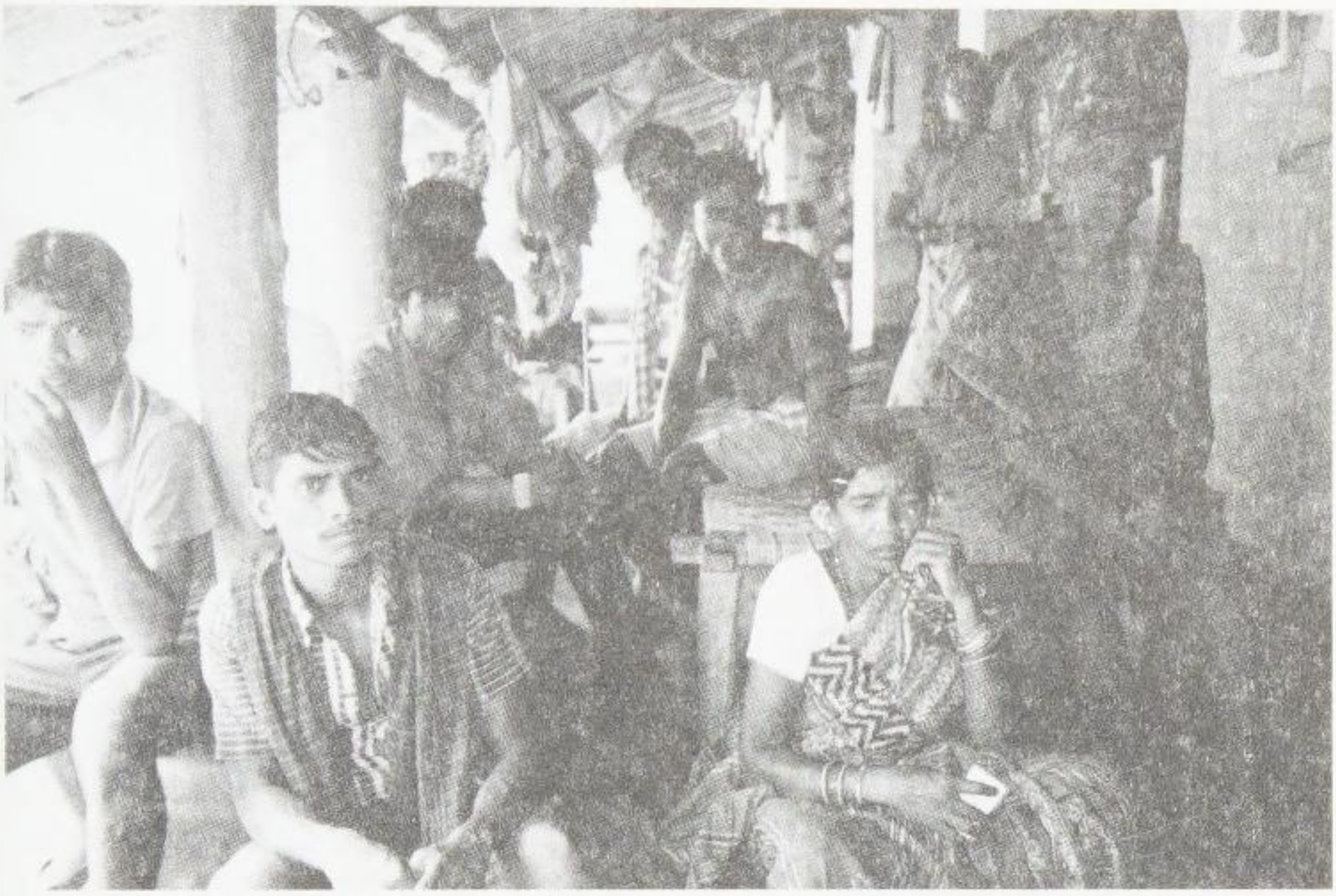
"Later, Mukantho had been repeatedly complaining that the police took away the axe. I had only one axe and it is still in my house," Badusi pointed out.

Days before his arrest, Badusi said, some of the Hindu village leaders had cautioned Sanatan that he would be arrested and asked him to go away.

"I don't know where to go," Badusi recalled the words of her illiterate husband.

On the day Swami was murdered (August 23), Sanatan had gone for community tending of the 100 cattle and sheep of the entire village with 22 families - 16 Christian and 6 Hindu. Each adult had to go for this pasturing duty by turn as the families lived together as a community.

"He came back in the evening and did not go anywhere (on the day Swami was murdered)," asserted Longisha Badamajhi, Sanatan's Hindu neighbour. Nakula Mallick, another Hindu who had accompanied Sanatan too vouched for his innocence.



Sanatan's wife Badusi with Hindu and Christian neighbours

Despite professing that "*I have carefully gone through the entire evidence adduced by the investigating officer,*"[87] the judge had committed a blunder when he declared that a third gun had been recovered from the house of Sanatan Badamajhi.

How is it that when the prosecution claims to have seized only two muzzle-loading guns from the houses of Duryodhan Sanamajhi and Munda Badamajhi, the judge cites the seizure of a non-existent third gun from the house of Sanatan?

"The police never came to investigate or ask anything about him. If we had been called, we would have testified for him in the court," Nakula pointed out.

Kaleshwar Budamajhi, another Hindu villager, gave a conduct certificate to Sanatan saying that he was a teetotaler and never got into fight with anyone.

Kaiser Mallick, another villager reasoned: "It is illegal to take away somebody from the village without informing us." Further, he said, "The entire village stands by him."

87 Verdict in Swami Laxmanananda murder trial, para 22, page 24

Despite even Hindu neighbours vouching for his innocence, Sanatan's family had a harrowing time. Since they were in the remote village, there was no information about Sanatan's whereabouts for three months until the village Pastor Paramanand broke the news that he was in jail after reading about it in a newspaper.

Sanatan's youngest of four children was only one-year old when he was arrested.

Son threatened to trap father

Budhadeb Nayak

"Be careful and go into hiding," Mohindero, a gram rakhi, cautioned Budhadeb after he got the hint of a plan to arrest some Christians for the Swami's murder.

"I am not a robber," Budhadeb replied nonchalantly.

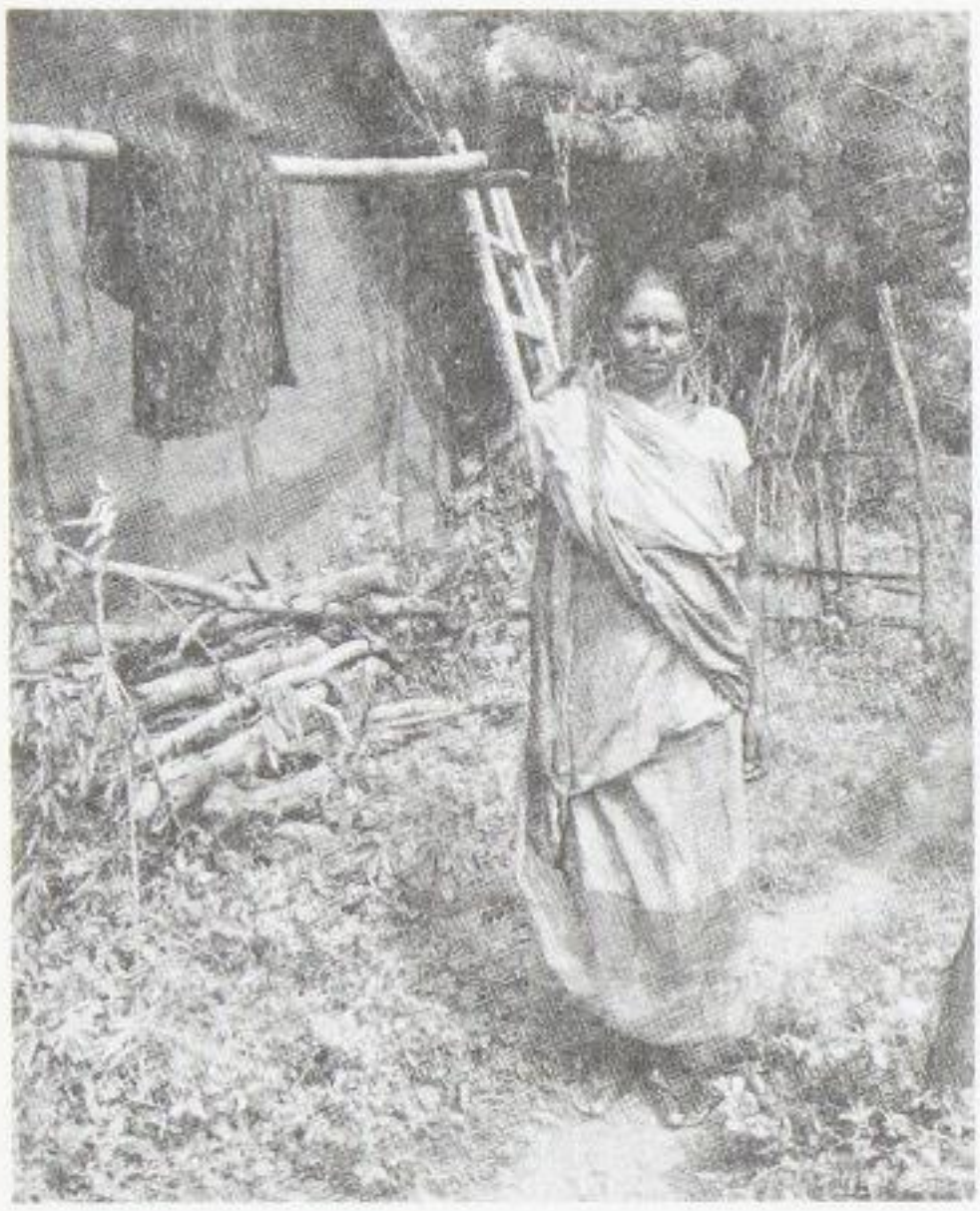
However, the Hindu leader's caution soon came true with the police reaching Budhadeb's house looking for him. Lingaraj, his 20-year old elder son, was at home.

"Your father has killed Swami Laxmanananda," the police told him. Police even threatened to arrest him unless he informed the whereabouts of his father.

On the night of December 13, the police came again and arrested Budhadeb while he was asleep. "He was wearing only a lungi and baniyan. They tied his hands to take him away. He asked for clothes and I gave him a shawl," recalled his wife Nilandri.

Three days later, the family met him in Balliguda jail.

The burden on Nilandri worsened following Budhadeb's arrest as the landless family with five children had to survive as labourers.



Budhadeb's wife Nilandri

Luckily for Nilandri, her elder son Benjamin became a Pastor during the harsh time and started easing her burden.

Friendship with police no help

Gornath Chalanseth suspected nothing unusual when the Kotagarh police called him for a meeting in the first week of December 2008. Being active in politics and a member of the Kotagarh block panchayat, 39-year old Gornath had a couple of sessions with the police.

But when a policeman came to his house on December 13 early morning, his wife Ruta sensed something wrong but still did not wake him up. After some time, the police came and Gornath went with them walking as the police station was just one kilometre from the small house in which he stayed in the Baptist church compound. Pastor Paramanand Badaseth accompanied them.

Hailing from Sartuli village under Madaguda (17 km from Kotagarh) where he had been both vice sarpanch and sarpanch, Gornath had been staying in a small house in the Baptist church compound since his children were studying in Kotagarh.

From the police station, Pastor Paramanand saw Gornath being taken away in a police van. As Gornath did not return for a couple of days, Pastor Paramanand inquired about him from a friendly policeman and learnt that he had been taken to Rayagada jungle along with Bijay, Bhaskar and Budhadev.

Along with Bijay, Gornath was also accused of distributing sweets in the church solely based on the testimony of Mahasingh.

Gornath Challanseth

"The police never came to verify if sweets had been distributed in the church at all," asserted Pastor Paramanand who was in charge of the Baptist church at Colonisahi.

Moved by the framed-up story of the innocent Christians, Sujit Dolemajhi – the Hindu sarpanch of Madaguda, Baleswar Nayak – former sarpanch, and other 10 eminent Hindus of the area went to Mahasingh's house along with Pastor Paramanand. Mahasingh told them to wait and called up the police. The police arrived immediately and questioned them why they were forcing Mahasingh 'to turn hostile' and threatened to arrest them.

But the sarpanch told the police: "We are not forcing him but telling him in friendly manner why he should bear false witness to put innocent people in trouble."

(Incidentally, Mahasingh could hardly speak when I visited him in October 2015 at his house – just one kilometre from the Baptist church. Six months earlier, he had suffered a stroke that rendered him partially dumb and paralysed – confining him indoors.)

With Gornath behind the bars, Ruta has a hard time: "We have some land but it is lying idle now. Initially it was given in lease to others for cultivation."

Due to acute shortage of labourers – with many local youth migrating to Kerala in search of employment – there are no takers to lease the fields. "I cannot cultivate it myself," Ruta explained.

Nithaniel, her eldest son, dropped out of engineering studies in Bhubaneswar after the arrest of his father and migrated to Kerala to work in a steel factory. While her elder daughter is married, younger son Sudhir too dropped out from 12th while youngest son Sisir studies in 9th standard in a hostel.

Gornath's wife Ruta in front of her house

Innocents scattered

During the 24th voyage to Kandhamal in June 2017, I had the golden opportunity to enter Balliguda jail to which six of the seven innocent convicts had been shifted. When I came out of the jail after one and half hour-long Sunday prayer with the 30-odd Christian prisoners there, I was indignant.

The one who drew my attention most was Munda Badamajhi whom his wife Bandigudali had described as 'dumb'. While the other five innocent convicts were 'excited' to meet me as they had been aware of my campaign for their release, mentally challenged Munda remained 'mute' because he could not even grasp why he was in the prison nor was he interested to greet a 'stranger'.

Three days after my 'incognito' jail visit, three of the six innocents in Balliguda jail - Bijay, Budhadeb and Sanatan – were abruptly packed off to distant jails in Bhavanipatnam, Rampur and Bhanjanagar (all outside Kandhamal). That reinforced once again the close monitoring and vice-like grip of the Sangh Parivar octopus on Kandhamal affairs.

Baffling conviction

"*It is better that ten guilty persons escape than that one innocent suffer.*"

This axiom of William Blackstone in his seminal work '*Commentaries on the Laws of England*', published in 1760s, has come to be the watchword of caution for the jurists in criminal trial.

"Hindu monk Vedanta Keshari Swami Laxmanananda Saraswati (here-in-after referred as **'Swamiji'***) was brutally murdered in his Jaleshpeta hermitage in the district of Kandhamal by some unknown assailants on the sacred day of Janmashtami i.e. 23rd August 2008. He was a highly revered spiritual leader whose life was dedicated to tribal welfare. It is on the record that Swamiji combated fraudulent conversion by Christian missionaries and a supporter of anti cow slaughter movement. He was working for socio economic well being of marginalized and indigent in Kandhamal and it is alleged that the Missionaries those (who) used charity as a facade for converting people away from their native faith with alliance of Maoists are the perpetrators and conspirators of the assassination of Swamiji. The assassination followed widespread communal riots in the district of Kandhamal causing huge casualty and loss to public property. It is alleged that during August, 2008 a threatening letter was circulated amongst the District Administration at Kandhamal to eliminate Swamiji, but surprisingly despite police protection the life of Swamiji could not be saved. The above named accused persons have been committed as perpetrators and conspirators behind the killing of Swamiji and charged for commission of offences punishable u/s. 147, 148, 449, 380, 302 read with section 149 and section 120B of Indian Penal Code and Section 25 and 27 of the Arms Act."*

This opening paragraph of the shocking judgment delivered by Additional Sessions Judge Rajendra Kumar Tosh on September 30, 2013 convicting all the seven accused Christians in the murder of Swami Laxmanananda will remain a blot on the judicial system of the country.

Even a casual reading of this opening paragraph of the 37-page judgment in the case (*S.T 03/2009 of Fast Track Court, Phulbani*) would make anyone familiar with the legal process and judicial language sense something fishy right at the outset.

The commencement of a crucial judgment on a communally sensitive case with a highly subjective phrase raises the question: How did the title '*Vedanta Keshari*'– Lion of the Vedas (found only in the vocabulary of the saffron groups) get into the verdict of a secular court?

Senior lawyers told me to trace the source from which the judge might have picked it up. The phrase was not in the complaint – filed by Brahmachari Madhab Chaitanya, an inmate of the Jalespata Ashram where the Swami was murdered – that was registered as an FIR.

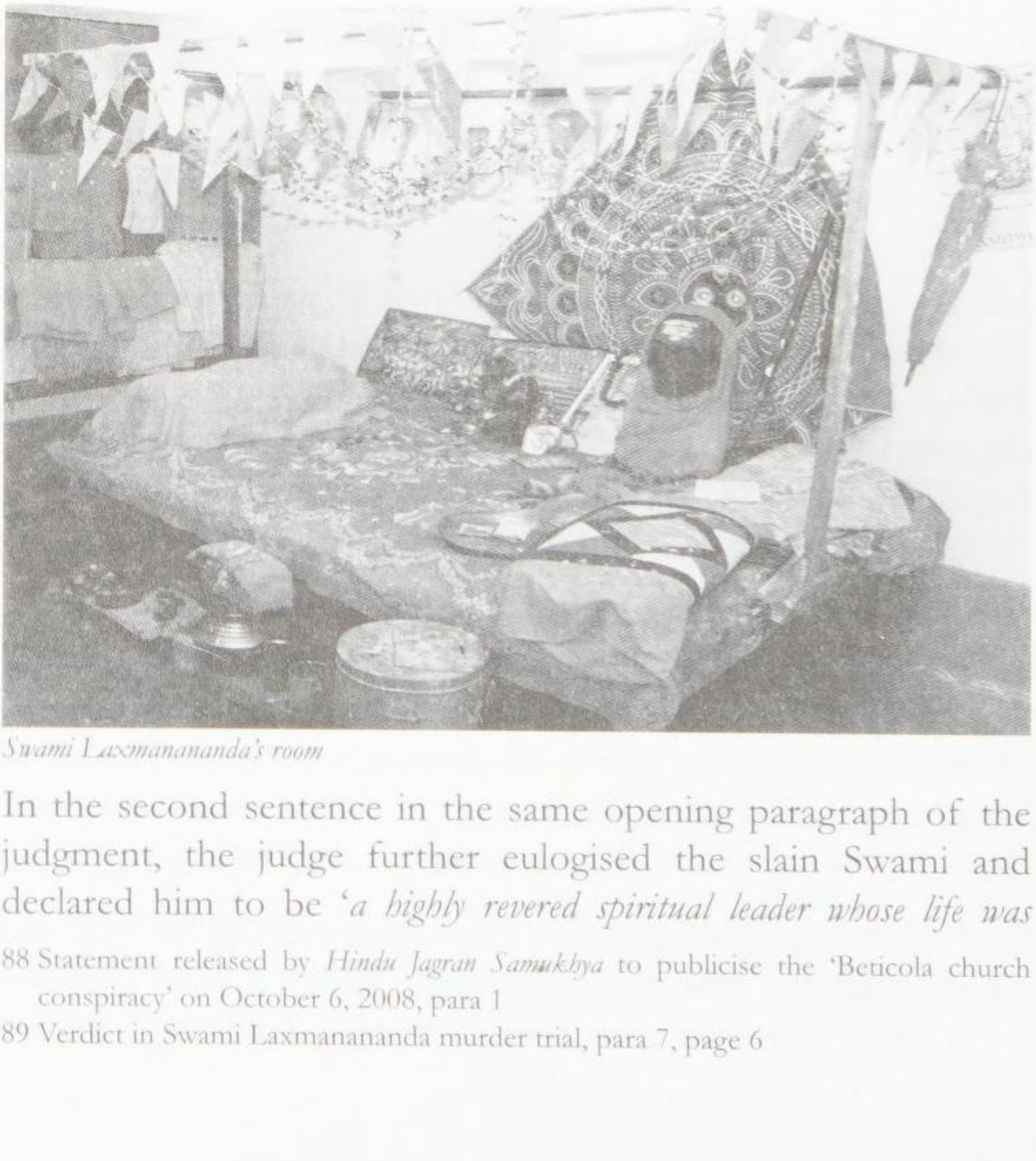
The exalting phrase was also not in the chargesheet that was filed on January 30, 2009 in the court along with the summary of the case titled '*Brief facts of the Case*' (*kindly see Appendix*) by the Investigating Officer (IO) Santosh Kumar Patnaik. He was at the time Deputy Superintendent of Police, CID (Crime Investigation Department), Crime Branch, Cuttack.

After screening over 5,000 pages of legal documents, I found that the phrase had first appeared in the press statement of *Hindu Jagran Samukhya* (Hindu Vigilance Council) on October 6, 2008 alleging that the Catholic parish of Beticola had passed a resolution on May 25, 2008 to assassinate the Swami:

"*All the seventeen participants of this meeting, following the brief and command/direction from their Bishop (viz., Bishop Raphael Cheenath) - a Catholic Clergyman from Kerala), formally decided to assassinate*

Vendanta Keshari *(Lion of Vendanta) Ven. Swami Laxmanandaji Saraswati on August 23, 2008. This specific date and day was purposely chosen as they wanted to gift to their Lord, for His sadistic pleasure, the assassinated body of a Hindu monk and those of his associates as it was the eve of Sri Krishna Janmashtami and also the eve of the foundation day of Vishva Hindu Parishad."*[88]

In paragraph 7 of the judgment, the judge pointed out that "*the Learned Addl. P.P. has drawn the attention of this Court to the contents of Ext. 53 (Beticola church resolution) which indicates that on 25.05.2008 a meeting was held at Betikola Darish (*read Parish*) Counsel Church, in which a resolution was passed to punish the perpetrators responsible to prevent missionary work. The resolution further indicates to observe a Christian celebration day in case of success of time mission in punishing the persons responsible.*"[89]



Swami Laxmanananda's room

In the second sentence in the same opening paragraph of the judgment, the judge further eulogised the slain Swami and declared him to be '*a highly revered spiritual leader whose life was*

88 Statement released by *Hindu Jagran Samukhya* to publicise the 'Beticola church conspiracy' on October 6, 2008, para 1

89 Verdict in Swami Laxmanananda murder trial, para 7, page 6

dedicated to tribal welfare'. The third sentence parroted the routine allegation repeatedly made by the Sangh Parivar: *"It is on the record Swamiji combated fraudulent conversions by Christian missionaries."*

In the fourth sentence, he endorsed the saffron charge that "*The Missionaries those (who) used charity as a facade for converting people away from their native faith with alliance of Maoists are the perpetrators and conspirators of the assassination of Swamiji."*

The norm followed by the judiciary usually is to sum up the evidence presented during the trial to prove the allegations and explain the reason for the verdict. But in this case, the cart is put before the horse. The judge upholds the allegations first and then, goes on to justify it laboriously.

Worse still, hardly any credible evidence was cited in the verdict nor presented before the court to prove the allegation that "*The Missionaries those (who) used charity as a facade for converting people away from their native faith with alliance of Maoists are the perpetrators and conspirators of the assassination of Swamiji."* Yet, the judgment upheld the saffron allegation.

On the contrary, Arun Kumar Ray, Deputy Inspector General of Police for Southern Range, during his cross examination on July 7, 2015 in follow-up to his affidavit filed on September 14, 2009 before Justice S. C. Mahapatra Commission of Enquiry on Kandhamal, affirmed: "*During the investigation, steps were taken to ascertain about the alleged monetary transaction between the Maoists and Christian community as we had received some allegations to that effect but after investigation the said allegation could not be substantiated.*"[90]

The description in the 5th sentence of the verdict that the communal riot following the Swami's murder caused *'huge casualty and loss to public property'* also pointed to misrepresentation of facts. Hardly any public property was damaged in Kandhamal. What was plundered and destroyed were 6,000 Christian houses, 300 churches and institutions.

90 Testimony of Arun Kumar Ray, DIG Southern Range, during his cross examination on July 7, 2015 before Justice Naidu Commission, para 5, page 3

Swami was a 'fundamentalist' too

In what appears to be clear evidence of indiscreet cut-and-paste job, the judge who had proclaimed the slain Swami to be a '*highly revered spiritual leader*' seemed to have unwittingly reduced him to '*a pioneer among Hindu fundamentalists*'.

It is indeed shocking for those familiar with judicial process that the judgment quoted in verbatim the testimony of Purushottam Lenka, and that too one contradicting the basic tenor of the judgment: "*In the present case it is clear from the evidence of P.W.14 that Swamiji was a protestor of cow slaughter and a pioneer among the Hindu fundamentalists and was looking after the education, health and general development of the weaker section of the society.*"[91]

Ironically, Purushottam who was produced as P.W. (Prosecution Witness) 14 had also declared in the same paragraph that "*I cannot say exactly if police recorded my statements since various officials, journalists as well as police used to enquire about the incident from me at the relevant time.*"[92]

Third gun mystery - blunder or distortion by the judge?

"*His (Investigating Officer S K Patnaik's) evidence with regard to seizure of the muzzle loading guns from the house of Duryodhan Sanamajhi, Munda Badmajhi and a gun from the house of Sanatan Badmajhi clearly implicate the above accused persons,*" declared the judgment that convicted the seven accused.[93]

(Despite the judge repeatedly claiming that "*I have carefully gone through the entire evidence adduced by the investigating officer,*"[94] he has committed a grave blunder or distorted facts by declaring that a gun had been recovered from the house of Sanatan Badamajhi.

91 Testimony of Purushottam Lenka during Swami Laxmanananda murder trial, September 4, 2009, para 3

92 Ibid

93 Ibid para 22, page 24-25

94 Ibid para 22, page 24

How is it that when the prosecution claims to have seized only two muzzle-loading guns from the houses of Duryodhan Sunamajhi and Munda Badamajhi, the judge cites the seizure of a third gun from the house of Sanatan Badamajhi?

It appears that the judge seemed to have forgotten what he had written earlier: *"During investigation he examined Uttam Gauntia basing upon the information on 05.10.2008 he searched the house of Duryodhan Sanamajhi at village Badagaon and seized a single barrel muzzle loading gun from the ceiling of his bed room in presence of witnesses vide Ext. 4 (M.O.XIV). As both Duryodhan and Munda failed to produce any license they were taken to custody. On the same night he also searched the house of Sanatan Badamajhi and on search of his house at village Landabali found one shirt having holes which can be used as masks".*[95]

Sanatan Badamajhi's house

That clearly showed that only a 'shirt with holes' had been seized from the house of Sanatan and no gun.

Yet, it is shocking that the judgment claimed that a gun had been recovered from his house.

95 Ibid para 12, page 12

(In fact, the prosecution also had remained silent about details of the recovery of muzzle-loading gun from the house of even Munda. To put it in black and white, no gun had been seized from the house of Munda too.)

The gaping hole in the cooked up evidence is obvious from the fact that Gauntia - the star witness of the prosecution - had refused to endorse the prosecution claim along with two others Akrura Pradhan and Trilochan Dandasena. They were produced as key witnesses to support the theory that the accused had gone to Gauntia's house around midnight carrying guns and asked for liquor to celebrate the Swami's murder.

Further, since the raid for the guns, the prosecution claimed, was conducted on the basis of the liquor theory linked to Gauntia who refused to endorse the prosecution claim during retrial too, the entire allegation could have been dismissed without lending any credence to it.

Laurels for prosecution, witnesses

Despite repeated assertions by the learned judge that *'I have carefully gone through'*, the judge declares in paragraph 13 that the prosecutor had argued the case *'meticulously'*. The fact that the judge vouches for the veracity of the witnesses declaring them to be *'reliable witnesses'* notwithstanding strong objections raised by the defence lawyer, point to the contrary. (The chapter on *'Questionable Evidence'* scrutinizes this claim at length.

"*In my considered view, P.W.32 and 33 those identified the presence of accused Duryodhan and Bijaya at the site did an excellent job and their evidence has got a high value for the purpose of this case*," claims the judgment.[96] This assertion is based on the 'eyewitness' of two teenaged students who were examined by the prosecution over three years after the murder.

96 Verdict in Swami Laxmanananda murder trial, para 26, page 29

(The veracity of the testimony of key 'child witnesses' of Malati Pradhan and Kumidini Pradhan - Prosecution witnesses 32 and 33 - have been elaborated in *Chapter 4 'Questionable Evidence'*.)

Further, the judgment went on to reiterate that "*The submission that the investigating officer has failed to examine them at appropriate time may be regarded as a fault on his part but the same has got no merit to doubt the credibility of these witnesses.*"[97]

The judgment also tried to overcome this deficiency by pointing out that "*The case at hand is a classic example in which one of the luminary of Hindu community who dedicated the whole life for the upliftment of the tribal community of this under developed district of Orissa lost his life.*"[98]

Apart from that, the judgment reiterated that "*Hon'ble Court has constantly reminded Trial Courts to be very sensitive in cases particularly involving heinous offences and cases involving the sentiment of general public. It is also reminded that the Trial Court owes obligation to the citizens of the country to see the perpetrators of crime involving the sentiment of general public should be brought to justice.*"[99]

"*It is on the record that some of the perpetrators were masked and executed crime within a short span of time while armed with guns and other weapons of offence. The above has further enhanced the duty of the Court to be extra vigilant while examining the evidence on record,*" the judge reasoned. This logic seemed to justify that concrete evidence was not required for conviction in such a sensational case.[100]

As if foreseeing likely criticism that credible evidence was lacking to justify the verdict that pronounced the accused 'guilty', the judge also attempted a sweeping defence in the concluding part of the judgment claiming: "*As noted earlier, the offence has been committed in a professional manner. Therefore, it is not normally expected that there will be direct evidence to connect all the perpetrators with the crime.*"[101]

97 Ibid
98 Ibid
99 Ibid
100 Ibid
101 Verdict in Swami Laxmanananda murder trial, para 26, page 30

A thorough scrutiny of the evidences in the following chapter throws a big shadow over the claim that *'the murder was committed in professional manner'*. It is unimaginable that the professional killers in a sensational murder would:

- stand on the main road of Kotagarh near the busy market and discuss publicly how to carry out the murder of the Swami who was the tallest leader of the Hindu community of Kandhamal,
- walk into a house after the murder carrying guns, wake up a Hindu and ask for liquor in the middle of the night,
- take off the mask and declare that they wanted to celebrate the murder,
- distribute sweets in the local church and
- keep the assault weapons and 'masks' used in the crime in their houses,
- go to the police station repeatedly (on police notice) with '*stolen*' mobile phones from the Ashram in their pockets nearly four months later.

As the defence lawyer Santosh Kumar Padhi - a senior lawyer of Phulbani who had been the district's first public prosecutor during 1984-1990 - pointed out, it is indeed a 'baffling judgment'. The verdict had come in over a month since judge Tosh resumed hearing of the protracted case on his transfer to Phulbani court on July 27, 2013 as the Additional District Judge.

Castle built on loose sand

The judgment that would shock anyone in the judicial service can be compared to a dream castle built on loose sand. It is built on the concocted Beticola resolution[102] that the Catholic parish of Beticola was alleged to have passed on May 25, 2008 to assassinate the Swami.

102 Statement released by *Hindu Jagran Samukhya* to publicise Beticola 'church conspiracy' at press conference in Bhubaneswar on October 6, 2008

"*The investigating officer during investigation found involvement of Maoist organization beside Christian Missionaries behind the killing of Swamiji and others. He also found a well organized conspiracy of the missionaries and Maoists to eliminate Swamiji. Ultimately on completion of investigation he submitted charge sheet keeping further investigation of the case open*," judge reiterated at the outset of the judgment.[103]

While the judgment glossed over what was the outcome of the investigation of the Christian conspiracy theory, this contention has been contradicted by the same Investigating Officer S K Patnaik who had put it forward as evidence.

In his deposition before the Justice Naidu Commission of Enquiry on June 25, 2015, Patnaik conceded that the forensic testing of the Beticola church resolution has confirmed that it was forged.[104]

It is indeed a travesty of justice that this revelation came nearly two years after the seven innocent accused Christians were convicted and sentenced to life imprisonment.

103 Verdict in Swami Laxmanananda murder trial, para 2, page 3

104 Deposition of S K Patnaik, Addl. S.P., Crime Branch, Cuttack, June 25, 2015 before Justice Naidu Commission, para 41

4

Questionable evidence

Concerted efforts were made at various levels to manufacture evidence to prove the alleged 'Christian conspiracy' behind the Swami's murder and cover-up the Kandhamal fraud.

This resulted in the conviction of the seven innocent accused Christians by the trial court in October 2013. The shocking conviction, based on 'hired witness' – to borrow a phrase from the long-pending appeal before the Odisha High Court, fabricated seizures of guns and the forged Beticola church resolution made a mockery of the justice delivery system.

However, truth is a precious gem that cannot be camouflaged and kept under the carpet for ever. Careful perusal of the cooked up evidences leads a trail to the gates of the fraudsters that is dealt with at length in *Part III Kandhamal Fraud.*

On scrutiny, the concocted evidences crashed like a house built with a pack of cards. This chapter dissects the veracity of the 'evidences' cited by the judge to arrive at the shocking guilty verdict that displays scant respect for judicial caution.

The alleged Beticola church resolution had been touted as evidence to prove the Christian conspiracy behind the Swami's murder. Forensic tests later proved that this resolution was a forged one. But this result emerged only nearly two years after the seven accused were convicted to life imprisonment on the basis of the same fabricated conspiracy theory and cooked up evidences.

Church record fabricated 'to prove' conspiracy[105]

Saffron arsonists could loot the Christian houses in Beticola leisurely as the Christians had fled when they reached the village. They were lucky to spot the 'Minutes Book' of the Catholic parish council of Beticola in the house of Praful Kumar Nayak. As the parish had no resident priest, the document had been kept in the house of the parish council secretary Praful.

The saffron think-tanks carefully crafted a purported resolution of the church council 'proving' the church conspiracy to murder Swami Laxmanananda '*as a gift to the Lord for his sadistic pleasure*'.

The *Hindu Jagran Samukhya* convened a news conference on October 6, 2008 in Bhubaneswar to declare that the Swami's murder was a '*pre-planned conspiracy executed by the church*'. To prove their claim, the outfit produced the original *Minutes Book* in which the resolution of the parish council to kill the Swami had been '*recorded in writing*'.[106]

The purported 'original' minutes of the meeting was recorded as session 10 of the parish council held at 11 am in Beticola on May 25, 2008 with the names and signatures of 17 participants, including the parish priest Father Praful Sabapati.

"After this (confirmation of minutes of last meeting), there was brainstorming on the following issue and decisions were taken:

"Decision no. 1 As per the direction/command of our bishop (parson/vicar), it was resolved/decided to offer sacrifice at the altar of the Lord, for His pleasure, within coming three months, the Satanic activities that stand opposed to the expansion of the Work in all the abbey circles of our Parish.

Decision no. 2 For the pleasure of the Lord, in order to successfully execute the decision No.1, the timing was chosen to the 23rd day of the August, 2008.

105 '*Kandhamal craves for Justice*', Veritas India Books, pages 218-219

106 Statement released by *Hindu Jagran Samukhya* at press conference in Bhubaneswar on October 6, 2008

Decision no. 3 It was also decided to conduct Christian victory celebrations in all the Abbey circles of the Parish, after the successful completion of the given task.

Decision No. 4 A committee was formed to manage with precision all the said given tasks. It was decided that on this Committee would be the Baptist Abbeys of the Christian family and all the key functionaries of the Good News Diocese." (Kindly see page 201 for the full text of the alleged 'resolution'.)

The language, non-existent church names and shocking criminal intent explicit in the purported resolution left no doubt as to the authenticity of the forged document.

"If one wanted to do a crime of this sort, would anyone in his senses write and sign a resolution like this in a record like our Minutes book? They just wanted to create excuses to justify the violence they have unleashed upon us," said Father Praful. The Beticola parishioners held a press conference two days later to deny the allegation. "We had showed how our signatures were different from that on the resolution," Father Praful pointed out.

Despite the church denials, Ashok Sahu, the convener of the *Hindu Jagran Samukhya,* was adamant that the document he made public was 'genuine'. He blamed the 'poor (English) translation' of the original Odia text of the resolution to explain why language of the resolution looked alien to church records.

However, the former IPS (Indian Police Service) officer disconnected the phone when he was asked why they failed to give adequate attention to the translation that was presented to the media as sensational evidence.

The indignant Beticola parish council filed a defamation suit against the saffron outfit as they were furious over the allegation.

Meanwhile, the Catholic church at Beticola had been razed to ground and an attempt even made to re-enact Ayodhya by trying to build a temple in the church compound.[107]

107 *'Kandhamal Craves for Justice'*, page 218-19

Ironically, the trial in the defamation case filed by the Catholic parish of Beticola against the *Hindu Jagran Samukhya* is yet to be completed. But that was no deterrent for the conviction of the seven Christians charged with the Swami's murder to life imprisonment in October 2013 citing the same resolution as proof of the Christian conspiracy.

In paragraph 7 of his verdict, judge Tosh pointed out that "*the Learned Addl. P.P. has drawn the attention of this Court to the contents of Ext. 53 (Beticola church resolution) which indicate that on 25.05.2008 a meeting was held at Betikola Darish (read Parish) Counsel Church, in which a resolution was passed to punish the perpetrators responsible to prevent missionary work. The resolution further indicate to observe a Christian celebration day in case of success of time mission in punishing the persons responsible.*"[108]

Shocker for Sangh Parivar: Beticola resolution was 'forged'

One of the worst setbacks for the Sangh Parivar in their parroted claim that the Swami's murder was a 'Christian conspiracy' came on June 25, 2015. Santosh Kumar Patnaik, Addl. S.P., Crime Branch, Cuttack, in his deposition before the Justice Naidu Commission of Enquiry confirmed that the Beticola resolution was a forged one:

"*In course of investigation Shri Ashok Sahu submitted a register of Beticola church. After investigation it was found that the entries made in the minutes of the meeting held in the church do not tally with the recording made in the register. I visited the place and found that no church was existing.* (The Beticola church was razed to ground following the widespread rumour that the Catholic parish had passed the 'resolution'.) *I also took steps to verify the signatures appearing in the register with the persons concerned and found that the same did not tallied (tally). The signatures were also sent to hand writing expert along with admitted signatures and the report was in the negative.*"[109]

108 Verdict in Swami Laxmanananda murder trial, 2013, para 7, page 6

109 Deposition of S K Patnaik, Addl. S.P., Crime Branch, Cuttack, on June 25, 2015 before Justice Naidu Commission, para 41

Remains of Beticola church

On the contrary, in his deposition in the trial court on July 18, 2011 as the Investigating Officer, Patnaik had solemnly stated: "*On 23.10.2008, one Ashok Sahu produced a Register at his residence at Cuttack having some handwritten entries from page 01 to 22. I seized the Register and prepared a seizure list. This is the seizure list marked Ext 48.*"[110]

He further declared in his affidavit that he had gone to the house of Sahu "*as he intimated me that he had some material in connection with the case of the assassination of Swami Laxmanananda Saraswati.*"

When a demand was made before the trial court on October 20, 2011 to call Sahu before the court, the prosecution that had touted the resolution as evidence to prove the 'Christian conspiracy' should have gladly accepted it.

On the contrary, the reaction of the prosecution was quite shocking.

"*The prosecutor submitted that the I.O. (Investigating Officer) has already been examined and has stated that Ashok Sahu produced a register which*

110 Deposition of S K Patnaik during Swami Laxmanananda murder trial, July 18, 2011, page 12, para 27

was accordingly seized. Examining Ashok Sahu for proving the seizure will serve no better purpose for the prosecution…," recorded Fast Track Court judge Biranchi N Mishra in his order of October 20, 2011.[111]

'Missionary-Maoist conspiracy' too falls apart

In the very opening paragraph of his 15,000 plus word judgment, judge Tosh lent credence to the allegation "*that the Missionaries those* (who) *used charity as a facade for converting people away from their native faith with alliance of Maoists are the perpetrators and conspirators of the assassination of Swamiji.*"[112]

The judgment reinforced it further in the second paragraph asserting that "*The investigating officer during investigation found involvement of Maoists organization beside Christian Missionaries behind the killing of Swamiji and others. He also found a well-organized conspiracy of the missionaries and Maoists to eliminate Swamiji.*"[113]

Despite this categorical declaration of the '*conspiracy of the missionaries and Maoists to eliminate Swamiji*', the judgment failed to offer credible evidence to substantiate the link between missionaries and Maoists.

In fact, this doubt was reinforced further by the admission made by Arun Kumar Ray, Deputy Inspector General for Police for Southern Range, during his cross examination on July 7, 2015 on his affidavit filed on September 14, 2009 before Justice S. C. Mahapatra Commission of Enquiry.

"*During the investigation, steps were taken to ascertain about the alleged monetary transaction between the Maoists and Christian community as we received some allegations to that effect but after investigation the said allegation could not be substantiated,*" Ray confirmed.[114]

111 Order 71 of Fast Track Court in Swami Laxmanananda murder trial, page 79
112 Verdict in Swami Laxmanananda murder trial, para 1, page 2
113 Ibid, para 2, page 3
114 Testimony of Arun Kumar Ray, DIG Southern Range, during his cross examination on July 7, 2015 before Justice Naidu Commission, para 5, page 3

Grandiose witness plot that crumbled

Another major bid to cook up evidence to prove the seven accused Christians guilty fell flat on the prosecution's face in the Fast Track Court.

The Investigating Officer Patnaik came up with a fairytale in the *'Brief Facts of the Case'* which he had submitted along with the chargesheet against the accused in the trial court on January 30, 2009.

The Swami's assassins whom the judge found to be guilty of carrying out the murder in a *'highly professional manner'*,[115] had gone to the house of Uttam Gauntia around midnight after committing the crime, Patnaik claimed. They were carrying guns and asked for alcohol to celebrate the murder of the Swami. Gauntia saw the faces of some of them when they took off their masks.

"*In course of investigation, some suspects were interrogated and let off after lie detection. Portrait of the accused persons were built for identification and were published. It is ascertained during investigation that some of the accused persons, while retreating after the crime had been to the house of one Uttam Gauntia of Village Madaguda and asked him for some liquor on 23/24.08.08 night at about 12.30 AM. Uttam Gauntia had identified accused Budhadev Naik, Munda Badamajhi, Sanatan Badamajhi and Duryodhan Sanamajhi who were carrying guns. These accused persons in course of conversation disclosed to Uttam Gauntia that they had killed Laxmanananda Saraswati and were retreating after the crime,*" Patnaik said in *'Brief Facts of the Case'*.[116]

Stretching it further, Patnaik also claimed that on the evidence of Gauntia's testimony, "*The houses of the accused persons were searched and two muzzle loading guns were seized from the houses of the accused Duryodhan Sanamajhi and Munda Badamajhi, without any license. One shirt with holes which is used as mask was recovered from the house of Sanatan Badamajhi.*"[117]

115 Verdict in Swami Laxmanananda murder trial, para 26, page 30
116 *'Brief Facts of the Case'* submitted by Investigating Officer S K Patnaik, para 4, page 2
117 Ibid

However, Gauntia – the star witness for the prosecution to nail the seven accused – refused to endorse Patnaik's fairytale when he appeared in the trial court on April 2009. He told the judge that the police had not even questioned him: "*It is not a fact that I was examined by the police in connection with this case.*"[118]

Hence, Gauntia also denied the elaborate prosecution story attributed to him that "*On 23.8.2008 I was present in my house in the night. at about 12.30 in the night I woke up on the call given by Budha Naik and I came out of the house and saw Budha Naik along with Duryadhan Sunamajhi of village Badagaon, Munda Badamajhi of village Durangajodi, Sanatan Badamajhi of village Landabali along with 4 to 5 others standing on the road and that it appeared to me that they had returned from somewhere and that they were holding gun in their hand and that seeing them armed with a gun I got frightened and could not ask them anything and that as Budha Naik asked me liquor I brought two bottles of liquor which I had kept for me and before they drunk liquor they were discussing amongst themselves as to how they made entry inside the Ashram and how they fired and that on hearing the discussion I got frightened further and that I came to know that they have committed murder at Jalespata and that they are amongst assailant and that they told me that they have slained the big head of Jalespata Ashrama and that I could not know it in the morning and that on the next day 24.8.2008 in the morning I came to know that Laxmanananda was murdered by a gunshot injuries in his Ashrama at Jalespata and that the said persons were discussing amongst themselves as to how they killed and suspected to have conspired and murdered Laxmanananda.*"[119]

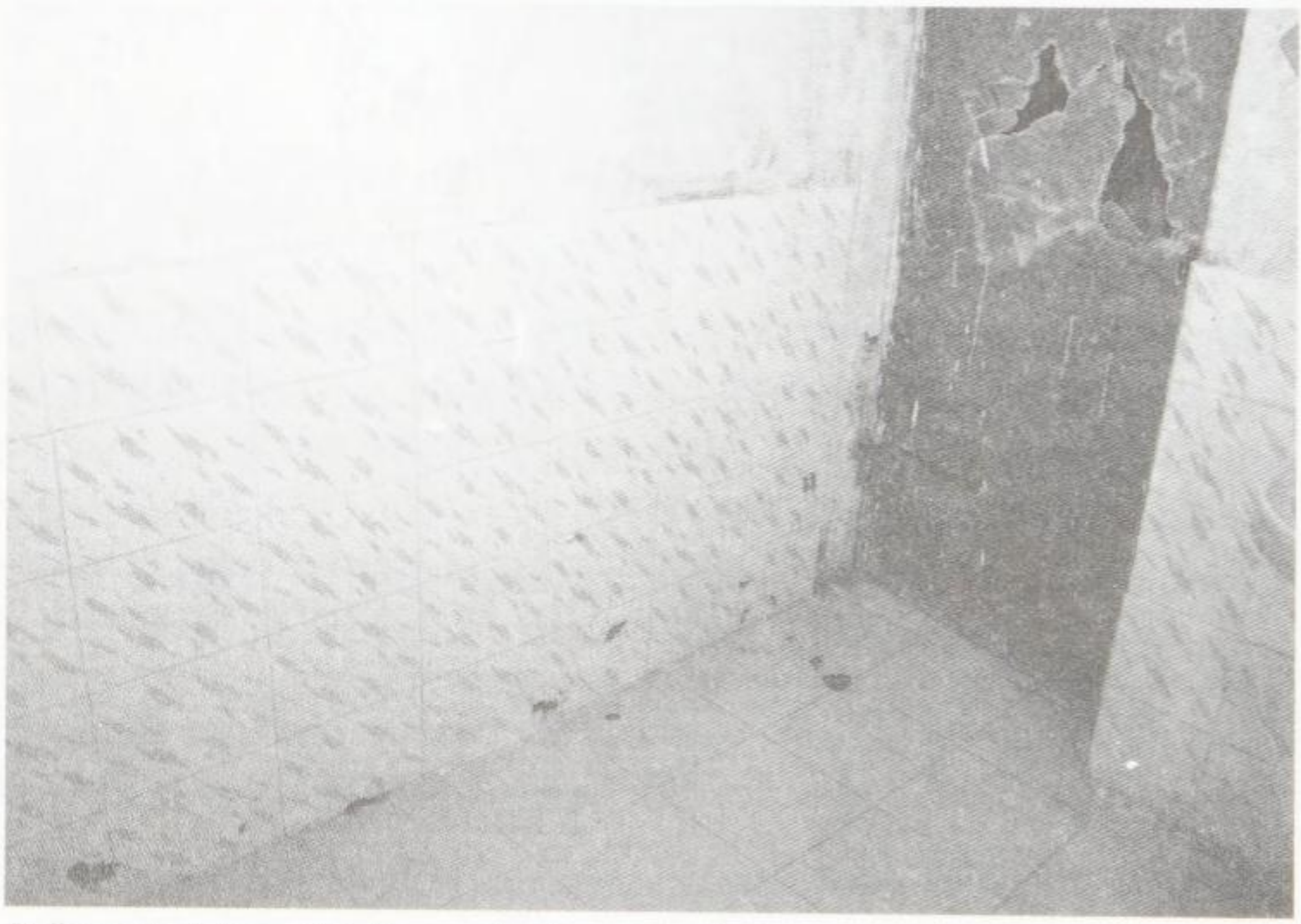
On the same day - April 30, 2009, Akrura Pradhan, another prosecution witness who ran a hotel in Mataguda, also denied the liquor theory that the prosecution had put forward to buttress the claim attributed to Gauntia.

In his deposition, Akrura too flatly denied the police claim that "*On 24.8.2008 I had opened my hotel and that the villagers who had come to take snacks to my hotel were discussing that on the previous night*

118 Deposition of Uttam Gauntia during Swami Laxmanananda murder trial, April 30, 2009

119 Ibid

Laxmanananda Saraswati was murdered by gunshot injuries and that during that time Uttam Gauntia of our village arrived there and disclosed at the top of his voice that on the previous night at about 12.30 am Budha Naik, Duryadhona Sunamajhi, Munda Badamajhi along with 4 to 5 others came to his house and Budha asked for liquor and that when he went inside his house to bring liquor they were discussing as to how they made their entry to Jalespata Ashrama and fired and that Uttam also told that they informed him that they finished (slained) the big head of the Ashrama and that the said persons were holding gun in their hand and that Uttam told that they killed Laxmanananda and that Trilochan Dandasena was present there when Uttam disclosed this fact."[120]



Bullet marks in Swami's bathroom where he was shot dead

Further, he declared that *"I do not know the accused persons standing in the dock."*[121]

Like the earlier two witnesses who had contradicted the prosecution plot stitched around the liquor theory, Trilochan Dandasena too refused on the same day (on April 30, 2009) to be a pawn to prove the prosecution claim attributed to both Gauntia and Akrura.

120 Deposition of Akrura Pradhan during Swami Laxmanananda murder trial, April 30, 2009

121 Ibid

Trilochan, who had a ration shop in Mataguda village, in his deposition confirmed that "*I know all the accused persons standing in the dock. They all belong to the place adjacent to my village within a radius of one kilometre. I have a ration shop in our village Mataguda. About one year back I was also engaged as Chokidar in our village Mataguda.*"[122]

However, Trilochan refused to support the prosecution claim that he had informed the investigators that "*on 24.8.2008 while I was taking tea and snacks in the hotel of Akrura Pradhan of our village, Uttam Gauntia arrived there and informed that on the previous night at about 12.30 am Budha Naik of village Kilangi came to his house and asked for liquor and that he opened the door and when came out saw Budha Naik, Munda Badamajhi, Duryadhon Sunamajhi and Sanatan Badamajhi standing and all of them discussing that they have slained the big head of Jalespata Ashram and that 4 to 5 others were also with them and that the news which we have heard about the murder of Laxmanananda was confirmed from Uttam Gauntia.*"[123]

On the contrary, Trilochan pointed out that "*On 24.8.2008 I heard from Radio news about the killing of Swami Laxmanananda. Akrura Pradhan of our village has a small hotel wherein he deals with snacks. I do not know anything about the alleged incident. Though the police examined me in connection with this case I expressed my ignorance.*"[124]

With all the witnesses in the liquor purchase plot turning hostile, the prosecution cried foul and alleged that the witnesses had been threatened by the Christians.

After the High Court allowed Gauntia's retrial in August, 2012 - three years after his first trial, the prosecutor as well as Gauntia were absent in the court on August 16, 2012.

"*This case is taken up. All the accused persons are produced from custody. The learned counsel for the defence is present in the court. On repeat call till 12.30, witness Uttam Gauntia is absent and the Public Prosecutor is*

122 Deposition of Trilochan Dandasena during Swami Laxmanananda murder trial, April 30, 2009
123 Ibid
124 Ibid

absent," wrote judge Biranchi N Mishra in his order of August 16, 2012.[125]

The judge also noted on the day that "*In the last date Uttam Gauntia was present but adjournment was sought by prosecution.*"[126]

"*In view of the matter and the failure of the prosecution to produce the witness Uttam Gauntia, his re-examination on recall vide order dated 17.07.2012 remains dispensed*," ruled judge Biranchi N Mishra[127] bringing the curtains down on the half-hearted attempt of the prosecution for the retrial of its star witness.

Perhaps, the prosecution was well aware that Gauntia was not inclined to support the concocted theory that after the Swami's murder, the 'killers' had knocked at his door at midnight - carrying guns and wearing masks - demanding liquor to celebrate the murder.

Entry of fresh witnesses

The prosecution theory of the accused going to Gauntia's house to buy liquor and declaring before him that they had murdered the Swami and wanted to celebrate came a cropper in the court with all the three 'witnesses' refusing to endorse the claim. This fiasco forced Investigating Officer Patnaik to weave together another fanciful plot to prove that the accused Christians had committed the crime.

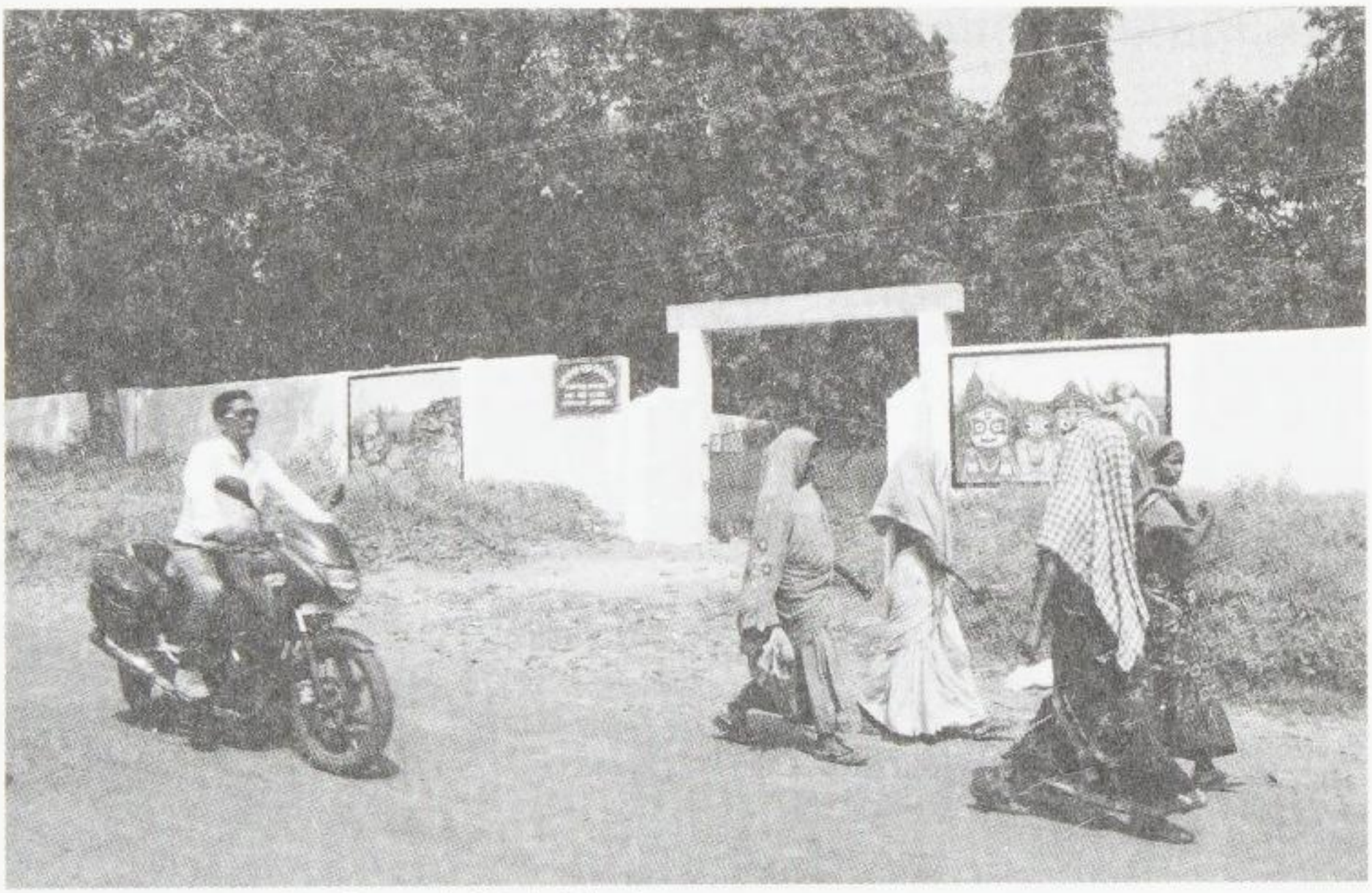
The Investigating Officer brought in Mahasingh Kanhar and Birendra Kanhar as fresh prosecution witnesses (PW 17 and 18). The initial result in this desperate bid too was no different. Both Mahasingh and Birendra refused to endorse the prosecution's new claim in the trial court.

Only during their retrial after a favourable order from the Odisha High Court, both of them supported the prosecution claim that read like a chapter from a detective novel.

125 Order 104 of Fast Track Court in Swami Laxmanananda murder trial, page 111
126 Ibid
127 Ibid

Murder conspiracy 'finalised' on busy road

The investigation team had cooked up the story that Bijay Sanseth was among the seven persons who stood at the gate of the Kotagarh High School on the busy main road near the market and discussed the conspiracy to murder the Swami.[128] This claim was based on the testimony of Mahasingh Kanhar, a Kandho tribal migrant to the region and active member of the Sangh Parivar, who had initially turned hostile in the trial court but later endorsed the prosecution claim during the retrial held on the order of Odisha High Court.



'The conspiracy spot' – Kotagarh High School gate

"Three to four days prior to the death of Swamiji in one evening he was proceeding to Kotgarh Bazar from his house and on the way near the main gate of Kotgarh High School saw Bijay Chalanseth, Garanath Chalanseth, Budha Nayak, Duryodhan Sanamajhi, Bhaskar Sanamajhi having assembled discussing (among) themselves. Since they were talking on Swamiji, he could not resist his curiosity to listen the discussion and managed to hide himself behind the boundary of the High School. Bijaya was telling Duryodhan and Budha to arrange people with weapons to go to Jaleshpeta Ashram," the judgment summed up Mahasingh's testimony relying on the prosecution version.[129]

128 Verdict in Swami Laxmanananda murder trial, para 11, page 11
129 Ibid

According to the prosecution, Mahasingh had further informed that "*About three to four days after Swamiji was murdered and soon thereafter Bijaya and Garanath distributed sweets in Kotgarh Church.*"[130]

The repetition of the vague phrase *'three to four days'* in both his claims raises doubts about its veracity. Secondly, imagine a known Sangh Parivar associate keeping quiet after he 'overheard' the shocking conspiracy to murder the tallest Hindu leader of Kandhamal! Even after he saw sweets being distributed by the same conspirators, he never bothered to report it to the police at a time when irate Hindus were pounding Christian targets across Kandhamal protesting against the Swami's murder.

Church at Kotgarh where, Mahasingh Kanhar claimed, sweets were distributed

Similarly, the prosecution also claimed that "*During August 2008 he (Birendra Kanhar) had been to the jungle in search of Buffaloes but failed to trace it. While returning he found a group of persons engaged in discussions among themselves. He tried to conceal himself and ascertain*

130 Verdict in Swami Laxmanananda murder trial, para 11, page 11

the gist of their discussion. It is clearly stated that the persons engaged in discussion were Garanath, Bijay, Duryodhan, Buddha, Sanatan, Bhaskar and Munda. He knew all the above persons earlier and beside the above persons 10 to 15 others persons including some female and some persons in khaki dress were also present there. This witness has identified the accused persons present in the dock. At paragraph 8 he has stated that those persons were discussing about a plan to murder Swamiji and the persons with khaki dress were holding gun."[131]

Even if the veracity of these prosecution claims is taken for granted, it is beyond understanding why both Mahasingh and Birendra kept quiet for months after they overheard the conspiracy to assassinate the Swami.

In fact, they should have been the first to rush to the police to share the conspiracy theory once their leader was murdered even if they had failed to alert the police in advance.

Apart from that, the delayed submission of their depositions both dated September 5, 2009 – a year after the murder – raises the suspicion that these claims were the product of the investigating team that was desperate to prove the theory that the Christians had killed the Swami.

The saga of incredible 'witnesses' in the Swami's murder trial did not end there. Both Sangh Parivar associates too turned hostile during trial and the prosecution had to go to the High Court to get their retrial sanctioned.

It was during this retrial that both Mahasingh and Birendra duly endorsed the prosecution claim which they had denied earlier.

Shockingly, these testimonies of Mahasingh and Birendra were hailed by the judge as clear proof to nail the accused.

That is despite the fact there was no mention of these crucial witnesses in the '*Brief Facts of Case*' filed by the Investigating Officer on January 30, 2009 along with the chargesheet.

131 Ibid

Rejecting the objections raised by the defence lawyer against accepting the testimony of these witnesses who had initially turned hostile during trial, the judgment relies on the argument put forward by the prosecution that "*whenever this type of offence have been committed in a highly planned manner, it is difficult to expect a witness to speak the truth.*"

"*Even now a days the witnesses are not ready to speak the truth for so many reasons which is almost known to everybody. Whenever the witnesses P.W.17 and 18 have shown the courage to speak the truth before the Court, the Court should not disbelieve their statements on record,*" reasoned judge Tosh.[132]

He also pointed out that "*Of course during initial examination both the witnesses (Mahasingh and Birendra) failed to support the prosecution. During later stage they were examined on recall as per the direction of the Hon'ble High Court and gave details of the incident before this Court. P.W.17 (Mahasingh) supporting the case of the prosecution has stated that due to fear in his mind, in pursuant to the threat extended by some unknown persons he could not venture to depose before the Court. Under the protection of police he has come to depose out of his free will and mind.*"[133]

Further, the judge who upheld the fanciful prosecution claims put it categorically: "*The evidence of P.W.17 (Mahasingh) and 18 (Birendra) those marked the presence of the accused persons along with other persons wearing khaki dress and there was a discussion on the murder of Swamiji clearly indicate that the central theme of the discussion was to eliminate Swamiji. The evidence of P.W.17 that soon after the incident accused Garanath and Bijaya were distributing sweets at Kotgarh Church further indicate principle object behind the conspiracy which nothing but assassination of Swamiji. There being an agreement between the accused persons to eliminate Swamiji this Court can safely infer that a conspiracy has hatched by the accused persons to eliminate Swamiji in active connivance of the Maoists organization.*"[134]

132 Verdict in Swami Laxmanananda murder trial, para 16, page 15-16
133 Ibid para 11, page 11
134 Ibid para 23, page 27

A judge, duty bound to be cautious against such tall claims, could have dismissed the sweets distribution claim that was flatly denied by the accused unless it had been reinforced by police investigation report or other witnesses supporting the claim.

Acquittal on mobile theft charge

The only silver-lining from the otherwise gloomy verdict is the dismissal of the charge of theft of the mobile phones from the Ashram by Bijay and Gornath.

"*In (the) absence of clear evidence it cannot be concluded that they have committed theft of the mobile phones. Of course the accused persons namely Bijaya Kumar Sanseth and Garanath Challanseth have examined themselves as P.W.1 and P.W.2 to disprove the theft of mobile phones, in the absence of any positive evidence from the side of prosecution no offence under 380 I.P.C is made out*," ruled judge Tosh.[135]

In fact, the Investigating Officer Patnaik in his *'Brief Facts of the Case'* had claimed that "*Two cell phones bearing number 9437992341 of Garnath Challanseth and No.9437973341 of Bijay Kumar Sanseth were seized from respective accused persons and call details of both the cells were retrieved from BSNL Office for analysis. During analysis it was found that both the cell phones had no incoming nor any outgoing calls on 23.08.08, the night on which Laxmanananda was killed. Further analysis is continuing in this Test and the polygraph expert opined that the accused persons gave deceptive replies concealing the truth.*"[136]

The claim by the Investigating Officer that he seized the phone from the accused on the third day of visit to the police station sounds incredible.

It was indeed bizarre that the accused walked into the police station months later for questioning carrying stolen mobile phones with them.

The judge upheld the denial of the accused and acquitted them of the mobile theft charge since the mobile service providers had

135 Verdict in Swami Laxmanananda murder trial, para 24, page 28
136 *'Brief Facts of the Case'*, para 3, page 3

reported no activity from the stolen phone since the day of the Swami's murder.

Bhaskar's 'Maoist' connection

Perhaps the strongest of the 'evidence' to prove the Maoist link of the accused is based on the testimony of Prashanta Kumar Parida who claimed that Bhaskar, one of the accused, had been a 'Maoist'.

In para 17, the judge cites the testimony of Prashanta (who was PW 24) in the trial court on November 9, 2009. Prashanta claimed to have accompanied one Parvat Panigrahi, who was engaged in medical practice in his village, on his motorcycle '*two/three years back*'.

Bhaskar's wife and neighbours at his house

On the way, they met "Bhaskar (Sunamajhi) along with four/five others" who stopped them. While Parvat was taken inside the jungle to treat a Maoist, Prashanta remained near the bike. On his return, Parvat told him that "for fear of his life, he had to keep their command. He further disclosed to me that Bhaskar is hand in globes (read gloves) *with them and has undergone Maoist training at Daringbadi for about 15 to 20 days. He too* (read also) *disclosed to me that Bhaskar has nexus with Sabyasachi Panda,"* the testimony elaborated.[137]

137 Prashant Kumar Parida's testimony during Swami Laxmanananda murder trial, November 9, 2009

During his re-examination by the prosecution on November 19, 2009, Prashanta had further stated that *"Sometime in the month of March/ April this year I came to know that Parvat Panigrahi was killed at village Radiguma. I had not disclosed the incident that I narrated before the police in the village since it was the apprehension in my mind that in case the same is disclosed there is chance of being killed as police informant."*[138]

Surprisingly, Prashanta came out with this testimony seven months after his source Parvat – a known RSS worker – was shot dead on March 18, 2009 which the police promptly attributed to the Maoists.[139] The claim of both Prashanta as well as of the police raised serious doubts about the veracity of the unverifiable claim.

Though Prashanta quoting Parvat spoke of the alleged Maoist links of Bhaskar who had attended 15-20 days of Maoist training at Daringbadi, Bhaskar's wife Debaki rejected the claim. In an interview at her Spartan home in October 2015, Debaki insisted that in their 8 years of marriage (when he was arrested), Bhaskar had never kept away from home.

"He never travelled to anywhere far away from the village except to the Kotagarh market and the police station," Debaki reiterated.

However, the judgment noted that S K Patnaik, the Investigating Officer, was *'satisfied about the involvement of Maoist organization behind the crime …On 13.11.2008 he (the investigating officer) examined Birendra Kanhar and Mahasingh Kanhar and found conspiracy to commit the murder of Swamiji."*[140]

When taken in the context of the wide gaps in the conspiracy theory, the admission that he examined the key witnesses two months after the murder reinforced the doubts about the credibility of the claim as it had not been even mentioned in the *'Brief facts of the Case'*. If it had been true, the question arises why he failed to mention the crucial evidence in the *'Brief facts of the Case'* that he submitted in the court in January 2009.

138 Ibid
139 *'RSS leader shot dead'*, Statesman News Service, March 20, 2009
140 Verdict in Swami Laxmanananda murder trial, para 12, page 12

Students of Sanskrit have 'high memory power'

The shocking judgment convicting the seven accused Christians has invented new theories like that students of Sanskrit have 'high memory power. "*A student of Sanskrit requires high memory power to get the Sanskrit verses slokas etc. in mind. Therefore even if investigating officers have committed an error by not examining them at an appropriate time, this Court cannot refuse to accept their credibility*," wrote judge Tosh in his verdict of September 30, 2013.[141]

A Sanskrit student at the Swami's Ashram

The prosecutor had introduced this argument after the defence lawyer objected to the testimony of two girl students (Malati Pradhan and Kumudini Pradhan aged 14 and 11 at the time of the murder of Swami Laxmanananda) at the school attached to the Ashram as 'eye witnesses', three years after the murder.

The defence lawyer alleged that there was undue delay in recording their witnesses. Apart from that, the lawyer for the accused pointed out that how could the girls remember the 'dark tall' men they saw under an incandescent bulb in the night.

Kumudini attributed the three-year delay in disclosing her 'eye witness' account to the police due to being '*shocked on the scene*'.[142] Malati went a step further and told the trial court in her

141 Ibid para 18, page 23

142 Deposition of Kumudini Pradhan during Swami Laxmanananda murder trial, December 1, 2011, para 7, page 3

deposition on January 5, 2012 that she "*did not disclose about the occurrence to others present at the Puja Mandap as we were seriously scared. After the date of occurrence, I am disclosing about the occurrence before this Court today.*"[143]

However the judge readily upheld their claim: *'In my considered view, P.W.32 and 33 (Malati and Kumudini) those identified the presence of accused Duryodhan and Bijaya at the site have did an excellent job and their evidence has got a high value for the purpose of this case. The submission that the investigating officer has failed to examine them at appropriate time may be regarded as a fault on his part but the same has got no merit to doubt the credibility of these witnesses."*[144]

When a judge reiterates that delayed witnesses, staunchly opposed by the defence lawyer, have done *'excellent job'*, the question arises whether it was setting stage for miscarriage of justice.

"*In my considered view that whenever the witnesses showing courage to depose about the facts within their knowledge this Court cannot refuse to act upon the said evidence. A truthful witness has become a rare commodity and a criminal court must learn to show due sensitivity to his evidence instead of rejecting the evidence in toto. No doubt the facts presented by the prosecution established highly organized and pre-planned way in committing offence. Therefore this Court should give due weightage to the evidence having an eye upon the circumstances instead of brushing aside the evidence as unreliable/ interested/ tainted with bias,*" declared the judge, paving the way for the conviction verdict.[145]

As a matter of fact, both set of new witnesses – two child witnesses from the Ashram as well as Mahasingh and Birendra – had been brought in by the investigating team as an afterthought. That was after the key 'witnesses' refused to endorse the prosecution claim that the Swami's 'killers' had walked into a

143 Deposition of Malati Pradhan during Swami Laxmanananda murder trial, January 5, 2012, para 6

144 Ibid para 19, page 23

145 Ibid para 17, page 18-19

house with guns in the middle of the night asking for liquor to celebrate the assassination.

Delaying tactics – prosecution ploy

In a sensational crime trial that had lot of social significance and public interest, the prosecution should have been eager to establish the truth and nail the accused at the earliest. However, in Swami Laxmanananda murder trial, the prosecution response was just the opposite.

Santosh Kumar Padhi, the defence lawyer, was enthusiastic to wind up the trial. The perusal of the Orders of the Fast Track Court also clearly showed that it was the investigating team and the prosecution that prolonged the trial by delaying tactics right through the four-year trial.

Was it because they were well aware that it was a concocted case and the longer they stretched the trial, the better?

Take the case of exasperated Fast Court judge C R Das even ordering NBW (non-bailable warrant) on April 23, 2010 against Manika Behera – a 14 year old girl witness from the Jalespata Ashram – *'to avoid long delay'*.[146] That order came after repeated orders by the judge to present the witness in the court evoked no response from police officials under different pretexts. Once the NBW was issued, police promptly presented the girl witness in court during the next hearing on May 10, 2010.

Worse still was the response of police officer Manasananda Tripathy who was one of the key prosecution witnesses, listed as PW 28.

"*On perusal of the record, it reveals that several messages have been sent to the said police officer and despite being* (in) *receipt of all the messages he has been remaining recalcitrant and has been avoiding under some pretext*

146 Order 33 of Fast Track Court in Swami Laxmanananda murder trial, page 40

or other not to attend the court," pointed out the judge C R Das on May 10, 2010.[147]

Hence, the judge ordered that a letter to be sent to the DIG Administration, of the Crime Branch, "*to take steps for procuring the presence of the erring Police Officer for his attendance in the court to adduce evidence.*"[148]

The stern caution did work and the erring officer was duly present in the court on June 8, 2010 for the next hearing.

Long delay in reaching High Court order

Anyone with respect for the judicial system will be stunned to read the repeated note of the Fast Track Court judge that "*The original case record has not yet been received from the Hon'ble Court.*"[149]

This note had been repeated several times in the Fast Track Court between July 2010 to January 2011. The mute question that emerged from this delay was: Why the delivery of the High Court order allowing retrial of Mahasingh Kanhar and Birendra Kanhar (PW 17 and 18) was delayed despite the trial court judge repeatedly asking for it?

Finally the High Court order – reversing the February 2, 2010 decision of the Fast Track Court not to allow retrial of the two witnesses – was delivered on January 3, 2011.

The date was set for retrial and the Kandhamal SP was directed to provide *'proper and or adequate protection'* to the witnesses.

When the case came up for hearing on February 22, Birendra was absent and the prosecution cited illness as well as treatment. After he failed to turn up for two consecutive hearings, the judge pointed out: "*As regards the fact that the witness is sick, no document has been produced by the prosecution.*"[150]

147 Order 34 of Fast Track Court in Swami Laxmanananda murder trial, page 41
148 Ibid, page 42
149 Orders 37-46 of Fast Track Court in Swami Laxmanananda murder trial. pages 44-48
150 Order 51 of Fast Track Court in Swami Laxmanananda murder trial, page 56

Then, the prosecution produced a medical certificate that the witness has been advised 15 days of *'bed rest'* by doctor on March 13, 2011.

While Birendra was present in the court during next two hearings, the prosecutor was absent on the second occasion. When it was the turn of Investigating Officer Patnaik to be examined on June 26, 2011, the judge was informed that Patnaik was busy in the High Court.

On July 17, 2011, the prosecution obtained an injunction from the High Court that the trial court *"shall not deliver the judgment without leave of this court."*[151]

Following repeated absence of the Investigating Officer Patnaik during trial dates that had been communicated to him, judge Biranchi N Mishra was exasperated and went to the extent of describing his conduct as *'deplorable'*.[152]

Ironically, the Investigating Officer had a taste of his own medicine when he appeared in the court on August 8, 2011. The trial was postponed on the day as the defence lawyer had been absent due to a strike called by District Bar Association of Phulbani.[153]

151 Order 57 of Fast Track Court in Swami Laxmanananda murder trial, page 62
152 Order 61 of Fast Track Court in Swami Laxmanananda murder trial, page 67
153 Ibid, page 69

NHRC's dubious role

"We need not go there. That will only create problems." That was how Justice K G Balakrishnan, chairman of the National Human Rights Commission (NHRC), reacted when a Commission member proposed an NHRC visit to Kandhamal in 2014. The NHRC member was eager to verify Odisha government's tall claim that the victims had been already compensated.

This proposal had come from Justice Cyriac Joseph, retired Supreme Court judge, after he scrutinised a long pending memorandum that had been presented to the Commission by Bhubaneswar-based Initiative for Justice, Peace and Human Rights on September 13, 2012. The memorandum had urged the NHRC to direct the Odisha government to set up a 'Task Force' to ensure comprehensive compensation, rehabilitation, education and employment for the affected people.

The Commission took nearly five months to respond to the memorandum which pointed out that hardly any worthwhile compensation had been paid for the economic losses and damages the victims had suffered except for the token compensation of ₹ 50,000 for 'fully damaged' houses and ₹ 20,000 for 'partially damaged' houses.

The belated NHRC response to the memorandum - demanding setting up of a 'Task Force' for compensation for the victims - was only a notice to the Christian advocacy group to submit more documents for the Commission to consider its demand at a meeting that was held two months later.

The shocking response of the NHRC chairman, former Chief Justice of the country, would surprise anyone. But the stunning fact is that this shutting of the door on the injustice by the national human rights monitor was the culmination of a series of dubious acts of the NHRC vis-à-vis Kandhamal.

Ironically, this response from the NHRC chairman was shocking since he himself had earlier waxed eloquent on the need to protect the hounded Christian minority in Kandhamal when he was the Chief Justice of the Supreme Court.

"We are a secular country. We cannot allow persecution of minorities," a bench headed by Chief Justice Balakrishnan had declared on January 5, 2009.[154]

"It is the duty of the state government to protect the minority community. You (State) have done only after 50,000 people of the minority community fled to the jungles," the bench said when senior advocate K K Venugopal claimed that the Odisha government had complied with the court order.

(*"We will not accept the persecution of minority. If the state government is unable to protect them it should resign,"* Justice Markandey Katju observed. *"We have to protect the minority. No minority community should be insecure in the country,"* he added.)[155]

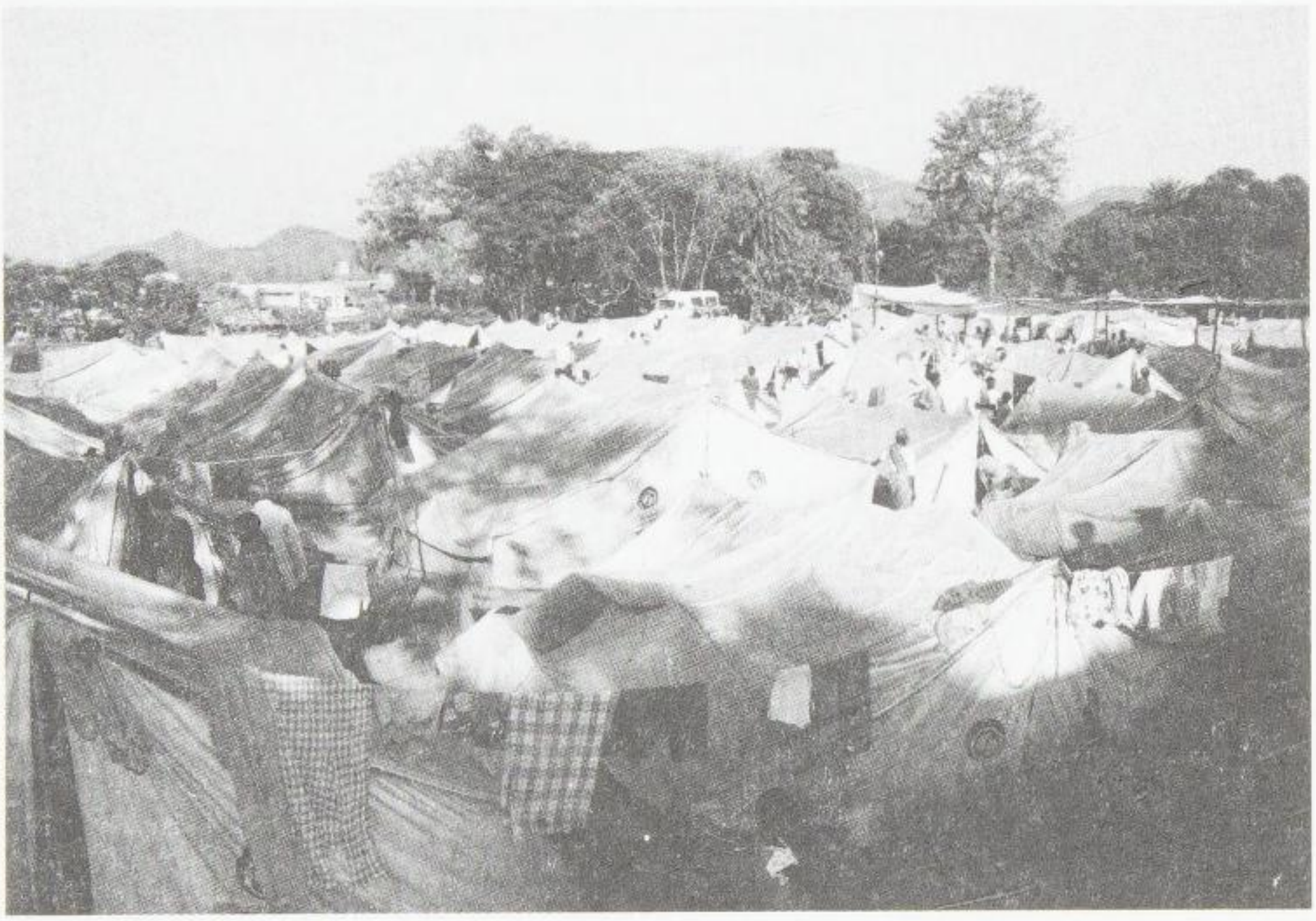
However, Justice Balakrishnan, who took over the mantle of the NHRC a year later, seemed to have adopted a different approach to the Kandhamal issue. (Only a retired Chief Justice of the country can be appointed as NHRC chairman.)

In fact, it was the Supreme Court that asked the human rights watchdog to present 'a status report' on rehabilitation work in Kandhamal.[156]

"The Apex Court has asked the NHRC to submit the report within six months. The court gave this order while hearing an intervening petition filed by Archbishop of Cuttuack....The apex

154 *'Quit if you can't help minorities: SC tells Orissa govt'*, CNN IBN, January 5, 2009
155 Ibid
156 *'SC asks NHRC to submit status report on rehabilitation work in Kandhamal district'*, Orissa Diary, August 29, 2011

court was dissatisfied with the state government's response over the allegation that it had mismanaged the relief and rehabilitation programmes and said it will resume hearing on the above matter after six months," the *Odisha Diary* reported.[157]



Crowded refugee camp at Raikia

However, nearly two years after the Supreme Court order was reported in the media, A K Garg, NHRC's Registrar (Law) told me that the NHRC had not received official communication about this from the Supreme Court.

"Without official communication, we cannot do anything," replied the senior NHRC official when asked why the Commission had not followed up the media reports about the Supreme Court order.

On the contrary, NHRC had initiated 'suo motu' action in several cases to address the colossal injustice in Gujarat following the 2002 post Godhra riots and acquittal of the accused. The historic Best Bakery retrial came at the initiative of the NHRC.[158]

157 Ibid
158 '*NHRC moves Supreme Court in Best Bakery case*', PTI, JULY 31, 2003

THE HINDU
INDIA'S NATIONAL NEWSPAPER
S OF INDIA
The Indian EXPRESS
BEST BAKERY CASE
NHRC moves Supreme Court for re-trial
■ NHRC moves SC for re-opening Best Bakery case ■ And shifting of key cases, including Godhra, outside Gujarat
'Justice Supreme, ball in your Court'
Anand's plea will be tested against Anand's verdict
Naroda witnesses say: please don't ask us why we changed our statements
Take Best case out of Gujarat, NHRC tells SC
National Human Rights Commission
NHRC decides to move the Supreme Court in Best Bakery case
Transfer application also moved in respect of 4 other serious cases
Hindustan Times
NHRC moves SC fo
Best Bakery retrial

The stoic silence of the NHRC on Kandhamal stood in stark contrast to its proactive role in response to the 2002 post-Godhra riots.

"In an extraordinary move, the National Human Rights Commission (NHRC) on Thursday filed a Special Leave Petition in the Supreme Court seeking a fresh trial in the Best Bakery case in the post-Godhra violence in Gujarat and that the retrial be held outside the state. …The NHRC also filed a separate application before the Supreme Court for transfer of four other 'serious' cases, pertaining to the Gujarat riots," *PTI* report noted.[159]

No wonder, the NHRC proudly displayed on its website 13 'orders' it had issued during 2002-03 on the Gujarat carnage, even after a decade.

159 Ibid

NHRC whitewashed Kandhamal

Unlike its proactive response to Gujarat carnage, the NHRC reaction to Kandhamal would stun anyone. It failed not only to fulfil its constitutional mandate to ensure *'better protection of human rights'* under *The Protection of Human Rights Act of 1993*, the national human rights watchdog was guilty of whitewashing Kandhamal conflagration and even turning out to be public relations wing of the Sangh Parivar.

I have reasons to believe that Justice Balakrishnan lost his zest for justice for Kandhamal once he assumed the mantle of the NHRC. I had made repeated requests to meet him to discuss Kandhamal and to my surprise, the NHRC chairman shied away from granting an audience. In August 2013, his secretary called me up (in response to my repeated email messages) and asked me to meet the NHRC Registrar.

If justice and human rights were paramount concerns to the NHRC chairman, I was clueless as to why he was reluctant to meet someone who has pursued Kandhamal passionately from day one.

The repeated refusal of the NHRC chairman to meet me or respond to queries on what was its contribution in upholding fundamental rights of hounded Christians in Kandhamal can be gathered from its questionable response to Kandhamal.

In nine years since Christians were hounded out like aliens and possessions of 56,000 people were plundered, it may sound unbelievable, that the NHRC had not issued even a press release on Kandhamal.

That is certainly in consonance with the shocking role that the national human rights watchdog has played consistently to perpetuate the travesty of justice in Kandhamal.

With its 'investigation reports', the NHRC had turned out to be mouthpiece for the Sangh Parivar on the Swami's murder and whitewashed the callousness of the Odisha government in caring for the refugees.

Contrasting response to Gujarat and Kandhamal

Scrutiny of the response of the NHRC to the brutalisation of a religious minority in Kandhamal showed that it acted only after weeks into the violence. The belated action followed the September 18, 2008 appeal by the Catholic church to the human rights monitor to intervene and stop the orchestrated violence.

However, this inaction has to be contrasted with the alertness the NHRC displayed while dealing with the Gujarat situation. As soon as news of widespread attacks on Muslim targets spread, the human rights watchdog took 'suo motu' action on the 'basis of media reports, both print and electronic'.

"In view of the urgency of the matter, it would not be appropriate for this Commission to stay its hand till the veracity of these reports has been established; and it is necessary to proceed immediately assuming them to be prima facie correct. The situation, therefore, demands that this Commission take note of these facts and steps-in to prevent any negligence in the protection of human rights of the people in the State of Gujarat irrespective of their religion," said the Commission after its emergency meeting.[160]

Hence, the meeting chaired by NHRC chairman Justice J S Verma on March 1, 2002 decided to "issue notice by FAX today to the Chief Secretary and the Director General of Police, Gujarat for their reply within three days indicating the measures being taken and in contemplation to prevent any further escalation of the situation in the State of Gujarat which is resulting in continued violation of human rights of the people."[161]

Kandhamal blacked out?

A close look at the website of the NHRC illustrated its shocking silence on Kandhamal where a religious community was battered, throwing to winds the fundamental rights of equality

160 http://nhrc.nic.in/GujratOrders.htm#no1, 'Order passed by NHRC On Gujrat' on March 1, 2002

161 Ibid

and freedom of faith, guaranteed under the Constitution of India. Though NHRC's crowded homepage http://nhrc.nic.in gives a glimpse of its various interventions to uphold and protect human rights in the country, 'Kandhamal' is conspicuous by its absence on its website.

It is ironic that the Kandhamal conflagration had been blacked out by the autonomous Commission that has been entrusted with the constitutional mandate of '*better protection of human rights*'.

While the Commission regularly issues 'press releases' on even minor intervention on violations of human rights of individuals, it is indeed baffling why such an alert human rights guardian maintained a stony silence on one of the worst instances of massive human rights violations in the country.

After repeated requests to the Commission for over a year – from August 2012 to August 2013, I was lucky to access the NHRC files on the Kandhamal conflagration. That was the outcome of my August 12, 2013 meeting with A K Garg, Registrar (Law) of the Commission, as directed by the secretary to the NHRC chairman.

When I asked him for an update on NHRC response to Kandhamal, Garg said cryptically: "Everything is in the files. You may go through it."

That was certainly not a commendable way for a top official of the autonomous Commission – that was duty-bound to uphold human rights – to respond to a journalist pursuing a serious human rights issue.

I took up the challenge and went down to the documentation room where the numerous files of the Commission had been stocked. The junior officials were gracious and promptly took out the Kandhamal files. It was while sifting through these files that I spotted the *'KANDHAMAL ENQUIRY REPORT'*.

Stunning was this report submitted by the first investigation team on December 31, 2008. The clue to the NHRC silence on Kandhamal could be traced in the insensitive report that a seven-

member enquiry team of the Commission had put together after their 10-day investigation in Kandhamal.

The report acknowledged that two investigating teams were sent to Kandhamal in response to complaints by the Catholic Bishops Conference of India on September 18, 2008 and later by the Global Council of Indian Christians.

The NHRC in its response to a Supreme Court notice confirmed on February 24, 2014 that the investigation teams were sent after the Catholic church had sought 'protection from violence at the hands of fundamentalists'.[162]

However, the investigation report had no mention of the continuing violence despite several Christians being brutally killed during September 23 - October 3, 2008 when the NHRC investigation team was camping in Odisha.

NHRC's obsession with conversion theory

A careful reading of the report of the national human rights watchdog showed that there was a clear attempt to whitewash the massive human rights infringement in Kandhamal.

Contrary to several fact-finding studies that had unanimously pointed out that the conflagration was triggered by the winding funeral procession of the slain Hindu leader, the Commission report endorsed the much publicised 'spontaneity' theory that had been put forward by the Sangh Parivar.

In fact, the NHRC never made public this '*KANDHAMAL ENQUIRY REPORT*' (Case No 403/18/2008-09). Anyone who screened it would be compelled to ask the question: whose brief was the national human rights monitor was pursing in Kandhamal?

NHRC tried to contradict vehemently the fact-finding studies that had identified the zigzag funeral procession of the slain Swami undertaken across Kandhamal defying the curfew as the trigger for the mayhem.

162 '*Report of National Human Rights Commission*' presented to the Supreme Court on February 24, 2014

"However, this was not found to be true since the time and place of occurrence of below mentioned cases do not corroborate with the timing of the procession of the dead body of Swami Laxmanananda Saraswati," pointed out the NHRC report.[163]

Further, the report also reiterated that "cases of rioting which occurred on 24.08.08 in Kandhamal also depict the spontaneity of events" – listing some of the incidents of the violence reported on the day.[164]

"The first and immediate issue behind the violence was the killing of Swami Laxmanananda Saraswati by suspected Christian youth/local naxalites. Then there was the long standing issue of large scale conversion of SC/Panos to Christianity by the priests by means which can be termed as inducement….," the report elaborated.[165]

The reference to 'Christian youth' and 'conversion' issue in the NHRC report raised questions about its impartiality.

The obsession of NHRC investigation team members with conversion can be gathered from ridiculous questions the Commission investigators posed to the victims of the violence listed as *'Index - Gist of Statements'* of those interviewed by its investigation team.

More than finding out details of how the victims of the orchestrated violence were assaulted or denied timely assistance, the NHRC investigators had no qualms about putting theological questions to homeless Christians.

Surprisingly, the report itself spelt out the questions. "What is the difference between Baptists and Catholics?" Bahadur Naik of Nilungia village under Udaigiri, a labourer, was asked. His reply was: "*I do not know the difference.*" [166]

Similarly, the investigative report summed up the murder of Pastor Akbar Digal in Totamaha village in a couple of sentences and went on to question his widow Ludhia (read Lydia) not about

163 *'KANDHAMAL ENQUIRY REPORT'*, NHRC case no 403/18/26/08-09, page 11, para 10.1.2

164 Ibid page 11, para 10.1.3

165 Ibid page 18, para 10.2.4

166 Ibid pages 52-53

the murder that she had watched in horror from hiding but her knowledge about the Christian denomination she belonged to.

"Q1: Are you Catholic or Baptist?

A1: I am Pentecostal (believer Church)

Q2: What is the difference between Pentecostal and catholic?

A2: Catholic believe in idol worship. We don't. We believe in Jesus Christ whereas Catholic do not believe in them."[167]

The answer on record made it crystal clear that the questioner could not decipher the answer.

More importantly, there was something sinister in the mind of the NHRC investigator when he asked such questions and even reproduced them in verbatim in the report submitted to the Commission.

If the investigator had any sense of propriety as a human rights monitor, he should have tried to elicit from the widow the agony she had gone through when her husband was hacked before her eyes – instead of turning NHRC investigation into a farce.

No wonder, the bigwigs of the NHRC decided to keep this investigation report in its cupboard like a secret, never making it public.

Apart from that, the NHRC officials were also careful to keep the embarrassing record of its investigation team from even the Supreme Court. The 'Index' of 43-pages of the numerous testimonies attached to the report was missing in the report the NHRC submitted to the Supreme Court on February 24, 2014 – five years after the report was made.

NHRC's 'detectives' ignore refugee plight

The NHRC investigators' obsession with pursuing the alleged identity and motive behind Swami Laxmanananda murder made them forget altogether the mandate with which they were sent to Kandhamal – on complaints about of the safety of Christians from the Hindu fundamentalists.

167 Ibid page 47

The better part of the NHRC investigation report was confined to the criminal investigation of the Swami's murder and even tracking top police officials to constables who had run away when the armed assailants landed at the Ashram. This obsession with the murder investigation raised reasonable doubt whether NHRC was a crime investigation agency or a watchdog that was duty bound to monitor human rights abuses.

Consequently, the enquiry team perhaps had little interest to probe the massive displacement of the affected victims and came with a sweeping observation that "the relief camps have been well established."[168]

This tall claim from the national human rights monitors stood in stark contrast to the tell-tale reports of social action groups which highlighted the deplorable state of affairs in the open air refugee camps without even water supply and sanitation.

To prove this claim, the enquiry report stated: "The inhabitants of the camps did not complain regarding any shortcoming in the relief operations."[169]

On the contrary, the National Commission for Minorities – the watchdog of human rights of the religious minorities – had recorded quite a different scenario in the relief camps: "Camps are set up across the districts providing temporary refuge for the victims. As of yesterday, approximately 4,000 people were living in the Raikia camp. People in the camp lack adequate food, shelter and clothing. This poses a serious health risk."[170]

While elaborating on the steps that were taken by the government following the shocking rape of a young Catholic nun in public,[171] the NHRC report did not even mention that the police had failed to act in the case until the rape was reported in the national media five weeks later, that too when the NHRC enquiry team was in Odisha.

168 *'KANDHAMAL ENQUIRY REPORT'*, page 22
169 Ibid
170 Report of National Commission for Minorities visit to Kandhamal, 11 to 13 September 2008
171 *'KANDHAMAL ENQUIRY REPORT'*, page 26

"Cognisance of all the cases reported by the Christian community is being taken promptly and cases were registered. A large number of cases registered were against persons by name….," NHRC investigation team continued its whitewashing job.[172]

This claim was a blatant lie as the police had been pulled up by the Odisha High Court for failure to register even murder cases by grieving refugees. The investigation team of the autonomous Commission, entrusted with the constitutional mandate to monitor infringement of human rights in the country, had turned into public relations agents for the beleaguered Odisha police.

The NHRC investigators were candid to concede that Sidheswar Pradhan, a Hindu, had 'sacrificed his life protesting against the attack on the Christians at Sulesaru village'.[173]

However, the insensitivity of the investigation team was reinforced in its reporting of the gang-rape and torching alive of a Hindu college student – herself an orphan who cared for 22 Hindu orphan boys at a Christian orphanage at Kuntapally village near Sambalpur.

"A twenty year-old late Rajani Majhi sacrificed her life to save the life of the children living in the orphanage…" remarked the NHRC investigators.[174]

The reality was that Rajani had been chased and brought back to the centre while she was fleeing with the boys under her care before she was gangraped and burnt alive.

The shocking whitewashing of this horrific saffron crime by its investigators epitomised the dubious role of the NHRC in covering-up Kandhamal conflagration.

172 Ibid page 27
173 Ibid page 30
174 Ibid page 30

6
Who will treat the doctor?

The travesty of justice in Kandhamal reflects a deep-rooted systemic malaise that cripples the nation's constitutional safety valves. Kandhamal has manifested how non-state players can permeate and paralyse key structures that have been envisaged to prevent miscarriage of justice.

Apart from the rampant impunity and acquittal of murderers with the connivance of pliant prosecution, doctored investigation reports from scientific laboratories and shocking verdicts from the courts, the entire Kandhamal conflagration had been covered up by the nation's human rights watchdog. All these lead to the seminal question: Who will treat the doctor?

Police Medal for officer with 'deplorable' conduct

The Kandhamal's travesty of justice has spilled out beyond the legal system, as was laid bare by the response of the national human rights watchdog. One of the most shocking facts was that Investigating Officer Patnaik, who had been pulled up by an exasperated Fast Track Court judge for his 'deplorable' conduct, was chosen for the annual '*Police Medal*' to mark 2013 Republic Day.

"*The conduct of the I.O. is deplorable*," wrote judge Biranchi N Mishra on July 28, 2011 in the Order diary following his repeated absence on trial dates.[175]

"*The I.O appears to be deliberately avoiding attendance in court. He has no respect for the process of administration of justice*," lamented the judge who had taken charge of the Fast Track Court proceedings in June 2011 following the transfer of judge C R Das.[176]

175 Order 61 of Fast Track Court in Swami Laxmanananda murder trial, page 67
176 Ibid,

"*The act and omission of the I.O. S.K. Patnaik, deputy S.P., C. I.D, C.B., Cuttack has caused the Sessions trial to collapse causing severe inconvenience to the court, learned counsel and the under trial prisoners*," pointed out judge in his order.[177]

Further, the Fast Track Court judge also noted: "*The trial suffered forced adjournment and the petitioners cannot now obtain the certified copy of the examination of I.O to produce it on 02.08.2011 before the Hon'ble Court of Orissa.*"[178]

Yet, Patnaik's name figured among 11 police officers chosen for the '*Award for Police Medal for Meritorious Service*' from Odisha state.[179]

This proves that the octopus at work behind the Kandhamal's travesty of justice and fraud (dealt at length in *Part III*) has spread its tentacles to bestow the police medal on an officer whose conduct had been branded as '*deplorable*' by the court.

Even if, the officer had delivered distinguished service as a Crime Branch officer of Odisha, the '*deplorable*' conduct certificate from the Fast Track Court judge should have made the honest mandarins to strike off his name from the coveted list.

Strict rule for visiting innocent convicts

Higher ups in Odisha administration had gone out of their way to ensure that key actors who played a crucial role in ensuring the conviction of Kandhamal's seven innocents received acclaim. On the other side, the same lobby seems to have given strict orders with regard to the visitors trying to meet the seven convicts languishing in the Phulbani jail.

177 Ibid, page 68
178 Ibid
179 http://homeorissa.gov.in/ List of Odisha government's police medal awardees

Here's a graphic report from a lawyer, who had been interacting with the accused for years since their detention, on his visit to the jail:

"I had been to prison at Phulbani on 11 January (2016), to say hello (to) the seven innocent convicts and to enquire the progress of the process of 'parole'.

Formerly permission to meet convicts used to be given by the Welfare officer at the prison. He knows me for more than five years. Whenever I went to meet under-trials/convicts, he would allow me to meet without any objection.

This time instead of the welfare officer, it was one of the jail guards who was taking the credentials of visitors and allowing them to meet prisoners. Since it was never required, I hadn't carried details like names of fathers of the convicts. The security officer refused permission since I couldn't provide father's names of all seven. However, he allowed me to meet two persons.

The welfare officer introduced me to the superintendant of the jail. I requested him to allow me to meet my clients – the seven convicts. The moment he understood that the persons whom I wanted to meet are the convicts of murder of Swami Laxmanananda, he told me that it was impossible.

He told me that he has been instructed by his higher ups, not to have any leniency towards these seven. He told me that if I wanted to meet some other persons, he would allow me.

I find certain bias/prejudice against the seven."

Human bones turn animal bones in forensic testing

During my pursuit of the travesty of justice in Kandhamal, I have come across several actors, duty bound to uphold truth and justice, dancing to the tunes of a lobby that has played a pivotal role in perpetrating the travesty of justice.

Shoddy investigation by the police often left the presiding judges with little option but to acquit the accused for lack of evidence.

Take the murder of Pastor Samuel Naik and his mother Janamati in their house at Bakingia in front of his wife Kadamphul. Her septuagenarian blind mother-in-law and her husband perished at the hands of an armed mob that was out to enforce the saffron ban on Christianity in Kandhamal.

When Pastor Samuel was reading the Bible on August 26, a mob barged into the house. True to his faith, the Pastor refused when he was asked to throw away the Bible.

"They started beating him with iron rods," recalled his wife Kadamphul. When he screamed in pain, his blind mother Janamati groped in and shouted: "Who is beating my son?" The zealots instantly poured kerosene on the elderly woman and set her on fire.

Pastor Samuel was dragged out of the house and hacked with an axe. They hit Kadamphul also with the axe when she rushed forward to shield her husband. She suffered a deep gash in the waist and was pushed away while they killed her husband and set his body ablaze.

Since the police investigation team could not conduct autopsy as the bodies had been burnt, the Criminal Writ Petition filed by the Initiative to Justice, Peace and Human Rights pointed out, they picked up burnt bones from the spot.

The charred bones were sent for chemical examination. But, the forensic report stunned everyone.

"*The same could not be proved to be of human being... There is thus no medical or scientific evidence that the death of the deceased was homicidal in nature*," the Fast Track Court judge noted in the verdict while acquitting the accused.[180]

It remains a puzzle how the bones recovered from the spot where the bodies had been burnt could not be identified as 'human

180 Criminal Review Petition 126/2012 of Initiative to Justice, Peace and Human Rights, page 272

bones' at the chemical laboratory. Certainly, invisible hands had been at work replacing the human bones with animal bones while they were being dispatched to forensic laboratory or the report itself was doctored.

With the bones in question being certified as 'animal bones' by the forensic report, the judge declared: "*It was indeed indispensable for the prosecution to have a thorough scientific investigation and to bring a conclusive proof as to the death of the deceased.*"[181]

'Murderers may be innocents'
- Justice Mahapatra Commission of Enquiry*

Retired judge of Odisha High Court, 78-year old Justice S. C. Mahapatra was appointed by the state government to conduct an enquiry into Kandhamal mayhem and carnage.

According to the terms of reference of the Commission as notified in the Odisha Gazette of September 17, 2008, the retired judge was *"to enquire into and report the following matters, namely:-*

(i). Analysis of sequence of events and circumstances leading to the killing of Swami Lakshmanananda Saraswati on the 23rd August 2008 and the incidents of violence in its aftermath.

(ii). The role, conduct and responsibility of individuals, organizations, groups and/ or agencies in precipitating/ committing the above crimes.

(iii). Whether the measures taken, the quantum of force used in anticipating, preventing and handling the situations were adequate.

(iv). Any other matter connected with the incidence or incidental thereto as the Commission may consider appropriate."

The Commission of Enquiry that was appointed with initial six-month tenure submitted its 'interim report' to the state government in the first week of July 2009.

181 Ibid, page 281

On 18 July, I had the privilege of submitting my first investigative book (*Kandhamal - a blot on Indian Secularism* - brought out in April 2009) as evidence to Justice Mahapatra in his office and discussing broad contents of his interim report as a journalist.

During the one and half hour interaction, Justice Mahapatra reiterated his interim report findings that conversions, reconversions, land disputes and fake caste certificates were at the root of the widespread anti-Christian violence in Kandhamal.

Asked why the Commission did not mention in the interim report the rampant impunity in Kandhamal that was at the root of continued threats against refugees returning home, Justice Mahapatra opined: "*We do not have enough space in jails*" to keep all the accused behind bars.

When I pointed out that the administration could have arrested at least the murderers to instil fear of law, Justice Mahapatra made a shocking comment that *"murderers could be innocents"* and went on to suggest that the instigators behind the violence need to be identified.

When asked why his interim report had failed to address the plight of the refugees rendered homeless by the orchestrated violence, Justice Mahapatra replied that the subject was beyond the '*terms of reference*' of the Commission he headed.

The senior judge with decades of judicial experience argued that it was beyond his mandate to address the pressing concerns from Kandhamal mayhem – the condition of over 50,000 homeless people (according to Supreme Court figures).

The refugee problem, he reiterated, was the '*effect of violence*' and it did not fall under '*incidents of violence in the aftermath*' of Swami Laxmanananda's murder.

This shocking stance of the retired High Court judge was contrary to the clause (iv) in the '*terms of reference*' under which the

Commission of Enquiry had been set up. The clause categorically laid down that the scope of enquiry of the Commission includes *"Any other matter connected with the incidence or incidental thereto as the Commission may consider appropriate."*

(*Note: This is extracted from the revised edition of *'Kandhamal - a blot on Indian Secularism'* brought out in August 2009. This edition was submitted on affidavit before the Naidu Commission of Enquiry that was appointed in 2011 following the death of Justice Mahapatra.)

Murder accused MLA sentry at court

Intimidation of witnesses to force them to turn hostile during the trial has been the bane of the justice delivery process in the country resulting in a low rate of conviction. In Kandhamal where the accused enjoyed political patronage and connivance of the mandarins of the state, coercion of the witnesses was exploited to the hilt leading to gross injustice.

I was outraged to hear that one of the prime accused in the Kandhamal carnage and mayhem was acting like a sentry at the entrance of the Fast Track Court – set up to ensure speedy justice to the victims. Social workers cautioned me not to go to the Fast Track Court and hardly anyone was willing to accompany me to the court.

If that was the mindset of those who were providing relief and legal aid to the hapless victims, it left no room for imagination as to what would have been the mental frame of those who had faced the blood thirsty mobs when they appeared in the court to testify, swamped by the saffron parivar.

All the same, I proceeded to the Fast Track Court in Phulbani on journalistic instinct on December 11, 2009. Though I did meet a friendly lawyer outside, he asked me to enter alone and assured that he would follow me. He too did not dare to enter the premises.

The reason: A bearded man wearing a jacket was seated in a chair surrounded by a dozen people, many of them senior lawyers. He was none other than Manoj Pradhan, a terror to the hounded Christians in Kandhamal. Their fear was not without reason. He had been charged with as many as seven murders of Christians apart from an equal number of arson cases.

Readers also would be shocked to learn that this multiple murder accused had been put up as a candidate for Udaigiri constituency in Kandhamal for election from behind bars after he was arrested under the National Security Act. The Hindu nationalist BJP had refused to withdraw his candidature even after the national furore over his nomination. The electoral victory of the murder accused from behind bars showed how democracy was denigrated to a farce in Kandhamal.

Following his election victory due to the deep religious polarisation in Kandhamal, the BJP MLA was soon released on bail. He enjoyed absolute freedom to monitor those who entered the Fast Track Court despite over a dozen gun-trotting policemen being posted at the court complex.

My shocking experience in the premise was endorsed by testimonies of the victims and action groups at the National People's Tribunal on Kandhamal in New Delhi in August 2010 that was held to mark the second anniversary of the conflagration.

The 'final report' of the people's tribunal quoted the letter of *Sampradayik Hinsa Prapidita Sangathana* (Association of Victims of Communal Violence in Kandhamal) to the Chief Justice of Odisha High Court, drawing attention to the rampant intimidation of witnesses:

"The sense of insecurity among witnesses is adding to the gross miscarriage of justice in the two Fast Track Courts. Victims and witnesses are being coerced, threatened, cajoled and sought to be bribed by murderers and arsonists facing trial. Shoddy police investigations have already created a crisis in the dispensation of justice, and genuine eye witnesses are reneging in court as they

see the court premises full of top activists of fundamentalist organisations and often the same persons who had burnt their houses. The police mutely watch, as always. The witnesses are threatened in their homes, and even in their distant relatives are being coerced...

In the current volatile political situation, we fear with reason that religious, political leaders and former ministers are influencing the District Administration and judicial system along with communal elements in Kandhamal.

Even the media has reported the strange situation in the two Fast Track Courts of Adhoc Additional Session judges who are trying all the murder and arson cases against Legislative Assembly Member Manoj Pradhan. Though witnesses have deposed strongly on his involvement in the crimes, he has been let off in case after case.

The accused Manoj Pradhan, BJP MLA, threatened one of the witnesses in front of the police personnel inside the Fast Track Court, and he also threatened the police.

Till today, communal elements are still threatening the witnesses in the remote villages where they live, due to which the witnesses are in panic and do not dare to speak in the court. Many witnesses have even refused to come to court as they do not dare to travel anymore."[182]

Instant bail for MLA from High Court

One notable example of the travesty of justice is the instant bail granted by the Odisha High Court to Manoj Pradhan, accused in as many as seven murders and elected MLA to Odisha Assembly in the April 2009 election.

Justice Sanju Panda of Odisha High Court granted bail to Manoj Pradhan on July 7, 2010 – on the same day the bail application was filed. That was after the Fast Track Court convicted him on June 29, 2010 to imprisonment of seven years and sent him to jail.

182 *'Waiting for Justice – A Report of National People's Tribunal on Kandhamal'*, page 143

This Odisha High Court order stood in stark contrast to the order of Justice D H Waghela of Gujarat High Court cancelling the anticipatory bail and sending to jail Mayaben Kodnani, Minister for Women Welfare under Chief Minister Narendra Modi, on March 26, 2009.[183]

The primary reason the Odisha High Court judge cited to grant instant bail to the MLA was *"the fact that the petitioner No. 1 is a sitting MLA of G Udaigiri Constituency."*[184]

Aggrieved over the shocking bail order, Kanakrekha Naik, widow of Parikit who was brutally murdered before her eyes, moved the Supreme Court, which upheld the majesty of law and cancelled the bail order.

"*The High Court was impressed by the singular fact the respondent is a sitting M.L.A. the High Court did not record even single reason (for the bail order)*," noted the Supreme Court while cancelling the bail.[185]

Kanakrekha Nayak at a press conference in New Delhi in August 2009

183 *'First Modi minister arrested for 2002 riots'*, Indian Express, March 28, 2009.
184 Bail order in criminal appeal 312 of 2010, Odisha High Court, July 7, 2010
185 Supreme Court verdict in criminal appeal 225 of 2011, on January 25, 2011, para 13

"*The law does not make any distinction between the representatives of the people and others, accused of criminal offences. Neither they can claim any privilege nor can it be granted by any court. The law treats all equally*," the apex court pointed out in its scathing criticism of the bail order.[186]

The High Court, the Supreme Court noted, "*did not even suspend the execution of the sentence awarded by the trial court but directed his release on bail. Nor did it record a single reason for confining the relief to the respondent, though there were two appellants challenging the trial court judgment.*"

Further, the Supreme Court bench of Justices B Sudershan Reddy and S S Nijjar pointed out: "*There is no dispute that the respondent is involved in more than one case of similar nature of rioting etc. This fact has not at all been taken into consideration by the High Court.*"[187]

Complying with the Supreme Court order cancelling the bail, Manoj Pradhan surrendered in court on March 10, 2011 - 45 days after the Supreme Court order.

However, the MLA was granted bail again on March 18, 2011 by the same High Court judge Sanju Panda after hearing his fresh bail application – as directed by the Supreme Court.

In the bail order of March 18, 2011, the judge cited several reasons including "*the conduct of A-1 during trial and also that he has already surrendered before the trial court after the cancellation of the bail.*"[188]

While the MLA accused of brutal murders, that too before the eyes of the kin of the victims, continues to roam free in Kandhamal, what is the hope that the elaborate legal system of the country holds out for the families of those who were murdered?

Contrast: Gujarat High Court cancelled bail to minister

Unlike Odisha High Court granting instant bail to an MLA on appeal amid several murder cases pending against him, the

186 Ibid

187 '*Why bail, sans reason, to MLA in Kandhamal case, asks court*', The Hindu, January 29, 2011

188 Bail order in Criminal Appeal 312 of 2010, Odisha High Court, March 18, 2011

response of the Gujarat High Court in a similar situation is worth highlighting in this context.

"*Religious fanatics do not belong to any religion, they are no better than terrorists who kill innocent people for no rhyme or reason,*" declared Gujarat High Court judge Waghela on March 26, 2009.[189]

"*Communal harmony is the hallmark of democracy. If in the name of religion people are killed, that is absolutely a slur and a blot on a society governed by the rule of law,*" reiterated Justice Vaghela. The judge made these scathing remarks while cancelling the anticipatory bail granted to Mayaben Kodnani, Minister for Women Welfare under Chief Minister Narendra Modi, for her role in the 2002 carnage.[190]

Pointing out that the sessions court had *'erred'* in its judgment by granting anticipatory bail to the minister earlier, Justice Waghela pointed out that passage of time after the commitment of the heinous crime did not diminish the *'gravity of the crime'*.

Further, the Gujarat High Court pointed out that the accused minister could also influence the investigation considering her power and position in society.

Following this order and the Supreme Court-monitored Special Investigation Team (SIT) probing the post-Godhra riots, senior police officials who had been posted in riot-hit areas during the carnage started applying for anticipatory bail.

On the contrary, the decision of the Odisha High Court to grant instant bail to Pradhan after he was convicted in one of the seven murders came in for flak from the Supreme Court itself.

Indeed, if the logic put forward by Justice Waghela is applied to Kandhamal, it would not be too late for retrial of the major cases at a place where the victims could testify fearlessly to undo the gross miscarriage of justice in Kandhamal.

189 *'First Modi minister arrested for 2002 riots'*, Indian Express, March 28, 2009.
190 Ibid

Chief Justice Thakur held out hope

Frustration and disappointment have been galore for those who have pursued justice that has remained a mirage for the voiceless victims of the orchestrated violence in Kandhamal. Amid such pervasive gloom, one man instilled hope.

Apart from his inaugural declaration that *'Tolerance Is The Spirit of India, Law Will Protect All',*[191] Chief Justice Tirath Singh Thakur's consistent pronouncements on equality before law had been indeed heart-warming for distressed sections of the society.

"People of this country need not live in fear till the time the judiciary is independent. When the Constitution guarantees Rule of Law to those who are not our citizens, there is no question that citizens of India, no matter of what religion or faith should feel unprotected," declared Chief Justice Thakur who took over as the 43rd Chief Justice of India on December 3, 2015.[192]

Holding out hope for those living in fear, Justice Thakur reassured: *"We (SC) have no reluctance to protect the beliefs of our fellow citizens. As long as Rule of Law prevails, no one has to be afraid."*[193]

Chief Justice Takur fulfilled this assurance when the Supreme Court bench headed by him gave a soothing verdict on August 3, 2016 enhancing compensation to the Kandhamal victims and expressed concern over large number of acquittals.

Of the 827 criminal cases registered, the apex court noted, 315 cases were not pursued while of the 362 cases in which a verdict was given, *"only 78 [trials] resulted in conviction."*

"Such a large proportion is very disturbing," said Chief Justice Thakur who ordered Odisha to investigate *"wherever acquittals were not justified on facts."*[194]

191 *Tolerance Is The Spirit of India, Law Will Protect All'*, The New Indian Express, December 7, 2015

192 Ibid

193 Ibid

194 Supreme Court verdict of August 3, 2016 on Archbishop Raphael Cheenath's writ petition 404 of 2008

Part III

Kandhamal Fraud

1

'Christian conspiracy' exposed

The shocking murder of Swami Laxmanananda, that triggered the Kandhamal conflagration, has remained a puzzle before the nation.

Within hours of the murder, Kandhamal was abuzz with reports that the sensational murder was a Christian conspiracy. Soon news reports were flashed across the nation about the Swami's Christian 'killers' being caught. *(Kindly see* **'Innocents incarcerated – First batch of Swami's 'killers'** *on page 99.)*

Simultaneously, senior Odisha police officials went on record claiming that the murder was a Maoist conspiracy as a letter allegedly written by Maoists owning up the murder had been received by them.

Sabyasachi Panda, chief of the Maoist unit in Odisha, told the NDTV news channel in an interview on October 5, 2008 that they had carried out the attack.[195]

Endorsing this version months later, even the Odisha police chief had gone on record denying any complicity of Christians in the murder of the Swami.

"A number of senior Maoist leaders had earlier claimed responsibility for killing VHP leader Lakshmanananda Saraswati," Manmohan Praharaj, Director General of Police of Odisha, was quoted by the *Zee News* on March 20, 2009.[196]

195 *'We killed Swami Lakshmanananda: Maoists'*, NDTV, October 5, 2008

196 *'Maoists, not Christians behind killing of RSS leaders: Odisha DGP'*, Zee news, March 20, 2009

Pointing out that Naxals were not necessarily Christians, the news report quoted the DGP's remark that "Ashutosh, Azad and Sabyasachi Panda, the Maoists arrested for Saraswati's killing, are not Christians. So, it is not justified to come to a conclusion that Christians killed Saraswati."

Togadia claims 'Christian conspiracy'

Praveen Togadia, VHP national secretary at the time, was the first one to allege Christian role behind the Swami's murder.

"A conspiracy had been hatched since long to kill him which had been proved and the entire Christian community has a hand in it," declared VHP national secretary on his arrival at Bhubaneswar airport to attend Swami Laxmanananda's funeral, the Odia daily *'Dharitri'* reported on August 26, 2008.[197]

As if he was heading the crime investigation department of Odisha government, Togadia also informed the media: "The police had arrested William (Billiam) Digal, Bikram Digal, Bijay Parija, Raju Parija and Pradosh of World Vision. All of them are Christians. The attack on the Swami was an attack of the church on the Hindu religion."[198]

Soon after the murder, a list of two dozen Christians who had allegedly attended a 'conspiracy' meeting to murder the Swami was circulated in Kandhamal.

'Intellibriefs', a saffron news portal, sourced the list to '*Hindu Jagran Samukhya*' – an obscure outfit that had brought out the Beticola resolution later to prove the Christian conspiracy, in its report titled '*Swami Laxmanananda Saraswati becomes a martyr for stopping conversion mission*' on September 02, 2008.[199]

197 '*Christians have a hand in the killing*', translation of news report in Odia in Dharitri daily, August 26, 2008

198 '*Naveen should Apologise*', translation of news report in Odia in Dharitri daily, August 26, 2008

199 'Swami *Laxmanananda Saraswati becomes a martyr for stopping conversion mission*', Intellibriefs, September 02, 2008

"There was a meeting at Raikia Community Centre on the August 9, 2008 attended by many Christian militants representing NGOs and persons like Nakul Nayak, the ex-Member of Parliament and Krishna Padseth, the ex-chairman of the block from Tumudibandh. The conspiracy to kill Swami Laxmanananda was hatched in the meeting and on August 13, a threatening letter was circulated to the district and state authorities along with copies to Swamiji. On August 22, Swamiji appealed to the District Magistrate to enhance his personal security," Intellibriefs quoted the *Hindu Jagran Samukhya* statement.[200]

The report also quoted a 'similar allegation' by VHP state working president Dr Umesh Patri.[201]

"There was a meeting at Kulmaha village near Tumudibandh on August 9, 2008. This was attended by John Dayal, spokesman of All India Christian Council, and Archbishop of Bhubaneswar Raphel Chinath. John Dayal was in the state for the last 15 days…." Intellibrief elaborated.[202]

"The fact that the Christian missionaries killed Swamiji and his disciples again becomes clear from the prima facie investigation conducted by police," the report claimed. It also further pointed out: "In another drive, two other persons namely Vikram Diggal and William Diggal, have been arrested from the house of Lal Diggal, a local militant Christian at Gunjibadi, Nuagaan. They have reportedly confessed before the police that they attacked and killed Swamiji along with 28 other assailants, all are Christians."[203]

Apart from making a mess of their names, this report showed how canards had been spread by saffron propaganda machinery about Kandhamal. For the true stories of Billiam Digal, Bikram Digal and Pastor Lal Kumar, *kindly see* **'Innocents incarcerated'** *on page 99.*

200 Ibid
201 Ibid
202 Ibid
203 Ibid

Togadia drags in the Pope

When the chargesheet in the murder case of the Swami was submitted in the trial court on January 30, 2009, Praveen Togadia went a step further and even dragged the Pope into the Swami's murder.

"The Vishva Hindu Parishad (VHP) on Friday demanded an apology from the Pope saying all seven accused in the Orissa police chargesheet for the killing of its functionary Lakshmanananda Saraswati in Kandhamal were Christians," the *Orissa Diary* reported.[204]

"All accused in Friday's chargesheet are Christians. One of them, Bijay Kumar Sanaseth is also a priest. So we demand that the Pope should apologise to Hindu society for this cowardly inhuman act by Christians," VHP secretary general Togadia said.[205]

That statement proved once again how reckless had been the Sangh Parivar in making wild allegations. Bijay Kumar Sanseth was neither a priest nor a Catholic. He was a Baptist leader and a contractor. *(Kindly see* **'Being popular proves costly'** *on page 123.)*

Swami's murder was a 'gift to the Lord'

The saffron propaganda that Swami Laxmanananda's murder was a Christian conspiracy is woven around the crucial resolution that the Catholic parish of Beticola was alleged to have passed on May 25, 2008.

The source of the alleged church resolution – trumpeted by the Sangh Parivar as proof for the 'Christian conspiracy' – could unwind the mystery behind the assassination of the shocking murder.

"All the seventeen participants of this meeting, following the brief and command/ direction from their Bishop (viz., Bishop Raphael Cheenath) - a Catholic Clergyman from Kerala), formally decided to assassinate Vendanta

204 '*Crime Branch submitted Chargesheet in Swami Laxmanananda murder case*', Orissa Diary, Janaury 30,2009

205 Ibid

Keshari (Lion of Vendanta) Ven. Swami Laxmananandaji Saraswati on August 23, 2008. This specific date & day was purposely chosen as they wanted to gift to their Lord, for His sadistic pleasure, the assassinated body of a Hindu monk and those of his associates as it was the eve of Sri Krishna Janmashtami and also the eve of the foundation day of Vishva Hindu Parishad," said the introductory note that *Hindu Jagran Samukhya* distributed along with the alleged 'Beticola church resolution' at its press conference in Bhubaneswar on October 6, 2008.[206]

It also claimed that the murder had been planned for the *'eve of the foundation day of Vishva Hindu Parishad'.*[207]

This claim stretched logical reasoning to unimaginable lengths. How would the Catholics of Beticola know that August 23 was the eve of the foundation day of the VHP?

Roots of Beticola resolution

The Beticola resolution – that could baffle anyone familiar with documents associated with Christianity – had emerged as a holy grail (wrapped in red cloth) when hectic preparations were being made at the Jalespata Ashram for the Swami's funeral procession on August 24 early morning.

"As he attended the funeral of Swamiji, Ashok Sahu was one amongst thousands of attendees. As he stood there an unknown person approached him and said, 'I have seen you on TV and trust you. I want to give you these important documents which I know will be useful to you.' The man stated as he handed him some documents wrapped in a red cloth," claimed the book titled *'Harvest of Hate – Kandhamal in Crossfire'* by Michael Parker[208] and published by the India Foundation.

206 The statement *Hindu Jagran Samukhya* distributed at press conference in Bhubaneswar on October 6, 2008

207 Ibid

208 *'Harvest of Hate - Kandhamal in Crossfire'*, Michael Parker, India Foundation, page 271

(The same book has been published under the name of Brannon Parker with a new title '*ORISSA in the CROSSFIRE - Kandhamal Burning*". That is the focus of the following chapter *'India Foundation - saffron truth factory'*.)

"*Busy with the memorial services, Ashok Sahu didn't open up the documents until he was travelling to the airport the next day. As he opened them he was stunned. The documents were in the Oriya language and appeared to be the minutes to a conspiracy hatched by Orissa's Christian leader to eliminate Swami Lakshmanananda Saraswati. He was even more stunned when he realized that these were not mere copies but the actual original documents with the signatures of several well known Christian and political leaders.*

Recognizing the import of the documents, Ashok Sahu contacted the police and the Chief Minister of Orissa. The Chief Minister requested a Xerox copy of the documents. Ashok Sahu held a press conference with the original documents on display," wrote Michael Parker in '*Harvest of Hate*'.[209]

(These passages have been repeated ditto in Brannon Parker's 'ORISSA in the CROSSFIRE on page 353. Though contents of both books are same, due to the variation in the size of the books, Michael Parker title has only 348 pages while the book attributed to Brannon Parker runs into 452 pages).

On October 6, 2008, *Hindu Jagran Samukhya* leader Ashok Sahu held a news conference in Bhubaneswar to publicise the 'church conspiracy' behind the murder of the Swami and released the following statement along with the alleged Beticola resolution:

"VEN. SWAMI LAXMANANANDA SARASWATIJI ASSASSINATED AFTER THE CHRISTIANS TOOK A DECISION TO THE EFFECT IN THE FOLLOWING MEETING:-

This is a literal English version of the original proceedings of the Christian meeting that was recorded in their Minutes Register in the vernacular Oriya language and Oriya script. The original Oriya text in transliterated form is also given below, so that those who know the language can read the text in original also. All the seventeen participants of this meeting, following the brief and command/ direction from their Bishop (viz., Bishop Raphael Cheenath) - a Catholic Clergyman from Kerala), formally decided to assassinate Vendanta

209 Ibid

Keshari (Lion of Vendanta) Ven. Swami Laxmananandaji Saraswati on August 23, 2008. This specific date & day was purposely chosen as they wanted to gift to their Lord, for His sadistic pleasure, the assassinated body of a Hindu monk and those of his associates as it was the eve of Sri Krishna Janmashtami and also the eve of the foundation day of Vishva Hindu Parishad. Copies of these proceedings have been filed with authorities concerned for necessary action. Hindus have retained the original Register for its safekeeping. The original Register containing the signed proceedings of the 10th session of the Christian Parish serendipitously and fortuitously came to the hand of the angry Tribal villagers of Betikala area the next day when they stormed into the Betikala Catholic Abbey.

The said proceedings are as follows:-

SESSION # 10

Place: Betikala, Date: 25.05.08 (May 25, 2008), Time: 11 A.M.

This 25th day of May, 2008, 11A.M., a general body meeting of the (Parish) Council was held at the Betikala Catholic Abbey. The meeting was held under the chairmanship of Rev. Fr. Prafulla Kumar Sabhapati. After the prayers by Sri Bikram Pradhan, the proceedings of the meeting unfolded.

Welcome and Presence Registered

General Secretary of the Parish Council, Sri Prafulla Kumar Nayak extended Christian greetings to all members present. Then the names, signatures and attendance of all members present were recorded (in their own handwriting. cd.) on the Register.

Members Present

Rev. Fr. Prafulla Kumar Sabhapati
(chaired the meeting)
2.Prafulla Ku. Nayak
3.Ranjeet Kumar Nayak
4.Subash Nayak
5.Saula Nayak
6.Kaumudini Digal
7.Kamalilni Nayak
8.Shantilata Pradhan
9. Sultana Nayak
10.Mahadev Pradhan
11.Helena Mallick
12.Subal Nayak
13.Dayasagar Nayak (Praneswar)
14.Gopal Chandra Naik
15.Ajit Kumar Pradhan
16.Bijaya Ch. Mallik
17.Bikrama Pradhan

Confirmation of Minutes of the last meeting

General Secretary Sri Prafulla Kumar Nayak read out the record of proceedings of the last meeting and the contents beings okay, it was unanimously confirmed.

After this, there was brainstorming on the following issue, and due decisions taken:

Decision No. 1 –As per the direction/ command of our Bishop (Parson/ Vicar), it was resolved/ decided to offer sacrifice at the altar of the Lord, for His pleasure, within coming 3 months, the Satanic activities (activists) that stand opposed to the expansion of the Work in all the abbey circles of our Parish.

Decision No.2 –For the pleasure of the Lord, in order to successfully execute the said Decision No. 1, the timing was chosen to be the 23rd day of August, 2008.

Decision No. 3 – It was also decided to conduct Christian victory celebrations in all the Abbey circles of the Parish, after the successful completion of the said given task.

Decision No. 4 – A Committee was formed to manage with precision all the said given tasks. It was decided that on this Committee would be there the Baptist Abbeys of the Christian family and all the key functionaries of the Good News Diocese.

After prayers, the meeting ended with Christian greetings extended to all participants.

Sd/- Fr. Prafulla Kumar Sabhapati *Sd/- Prafulla Kumar Nayak*

President, Parish Council *General Secretary, Parish Council"*

On October 17, 2008 – 10 days after the Beticola resolution was made public, the Odisha police claimed that the mastermind behind the murder of Swami Laxmanananda was a group that hired Maoists to execute the crime.

To reinforce this, Inspector General (IG) of Police, Crime Branch, Arun Kumar Ray, in his media interaction further claimed that the mastermind of the killings had been also identified.

"Maoists were given money to train certain youths of a particular community to eliminate Saraswati," Ray pointed out while declaring that the mastermind had fled Orissa. "We will trace them soon," he asserted and disclosed that the plan to eliminate Saraswati was made immediately after the December 2007 communal violence in Kandhamal.[210]

That was how the senior police official initially upheld the Christian conspiracy theory. Ironically, he retracted this claim altogether in 2015 – nearly two years after seven innocent Christians were convicted for the Swami's murder.

Protests continue despite High Court order for retrial

The Odisha High Court had ordered a fresh investigation on August 4, 2011 into the Swami's murder on the basis of the Beticola resolution which the saffron groups had been trumpeting as proof of the 'Christian conspiracy' behind the murder.[211]

The court order came on the plea of Madhav Chaitanya, one of the disciples of the slain Swami and an eyewitness in the case, as well as Durga Prasad Kar, a local VHP leader.

However, the vociferous saffron lobby – that had been clamouring that the Swami's real killers had not been caught – surprisingly did not pursue this High Court order. They were only interested in harping that the real killers of the Swami had not been held. That was evident in the protest the VHP organized to mark the fourth anniversary of the Swami's killing in August 2012.

"Dissatisfied over the slow pace of investigation into the assassination of Swami Laxmanananda Saraswati, VHP leaders on Thursday demanded immediate arrest of the main culprits," *The Times of India* reported on August 24, 2012.[212]

"Four years have passed since the Swami's murder and the main

210 *'Maoists hired to kill VHP leader, claim Orissa police'*, PTI, October 17, 2008
211 *'HC for re-probe in Laxmanananda Saraswati murder'*, The Indian Express, August 5, 2011
212 *'VHP leaders demand arrest of Saraswati's killers'*, The Times of India, August 24, 2012

culprits are still at large," the VHP leaders said (after a protest meeting in Phulbani to mark the death anniversary).

For the fifth anniversary, Ashok Sahu, the brain behind the Beticola resolution who had been nominated as BJP candidate from Kandhamal for the 2009 Parliamentary election, went on a fast unto death demanding punishment to the real killers.[213]

However, when his condition 'suddenly deteriorated', he was admitted in Intensive Care Unit (ICU) of SCB Medical College in Cuttack on August 26 and he ended the fast by August 28 evening.[214] Lack of support from the saffron ranks, critics noted, forced the firebrand leader to call off his fast unceremoniously.

Saffron silence after conviction of innocent Christians

Following the conviction of the seven innocent Christians to life imprisonment for the Swami's murder in October 2013, the saffron lobby went into silent mode as if their goal had been achieved.

Hardly any protest from the saffron camp had been reported since then. Despite all his dedicated work for the Sangh Parivar to perpetuate the Kandhamal fraud, Sahu was suspended from the BJP in 2014[215] bringing the curtains down on the vociferous 'Christian conspiracy' propaganda.

Finaly, the concerted campaign that the Sangh Parivar had carried out to lend credence to the Beticola resolution and the Christian conspiracy collapsed like nine pins on June 15, 2015.

Beticola resolution was 'forged', no Maoist link

The lid on the Kandhamal fraud was lifted by none other than Santosh Kumar Patnaik, Investigating Officer, who had earlier won the conviction order in the Swami' murder trial.

213 *'BJP leader on fast-unto-death over Kandhamal* murders' , IANS , August 2013 ,24

214 *'Ashok Sahu on hunger strike on 5th anniversary. WHY NO PUNISHMENT TO SWAMI LAXMANANANDA'S killers even after 5 years?*, Organizer, August 31, 2013

215 *'Ashok Sahu faces expulsion after questioning Modi wave in Odisha'*, IndiaToday, October 24, 2014

During his deposition before the Justice Naidu Commission of Inquiry on June 25, 2015, Patnaik retracted what he had claimed in the Fast Track Court that the Swami's murder was rooted in the Christian conspiracy based on the Beticola resolution.

"*In course of investigation Shri Ashok Sahu submitted a register of Beticola church. After investigation it was found that the entries made in the minutes of the meeting held in the church do not tally with the recording made in the register. I visited the place and found that no church was existing. I also took steps to verify the signatures appearing in the register with the persons concerned and found that the same did not tallied* (tally). *The signatures were also sent to hand writing expert along with admitted signatures and the report was in the negative,*" Patnaik conceded in his deposition.[216]

However, this shocking revelation never came into the national limelight. This was not a tall claim from the Christian lobby that was desperate to absolve itself and remove the stain of Swami's murder from the Cross.

The revelation came from the appropriate authority entrusted with the mandate to separate the chaff from the wheat.

In this context it must be pointed out that Beticola resolution needed no forensic analysis to decide on the veracity of the document. The language, non-existent church names and shocking criminal intent explicit in the purported resolution would have made it crystal clear for anyone to speculate about the authenticity of the document.

Meanwhile, the fallacy of the saffron claim of Christian conspiracy – based also on the 'link with Maoists' – too was endorsed by yet another top police officer.

Arun Kumar Ray, DIG for Southern Range, took a U-turn on his initial theory that there was a Maoist-Christian nexus link behind the Swami's murder.

216 Deposition of S K Patnaik on June 25, 2015 before Justice Naidu Commission of Inquiry, para 41

Remains of Christian houses in Beticola

"*During the investigation, steps were taken to ascertain about the alleged monetary transaction between the Maoists and Christian community as we received some allegations to that effect that but after investigation the said allegation could not be substantiated,*" stated Ray on July 7, 2015.[217]

Thus, the 'Christian conspiracy' behind the Swami's murder was buried by two senior police officers who had anchored the investigation into the same.

217 Testimony of Arun Kumar Ray, DIG Southern Range, during his cross examination on July 7, 2015 before Justice Naidu Commission of Inquiry, para 5, page 3

2

India Foundation – saffron truth factory

"Through clever and constant application of propaganda, people can be made to see paradise as hell, and also the other way round, to consider the most wretched sort of life as paradise."

Adolf Hitler

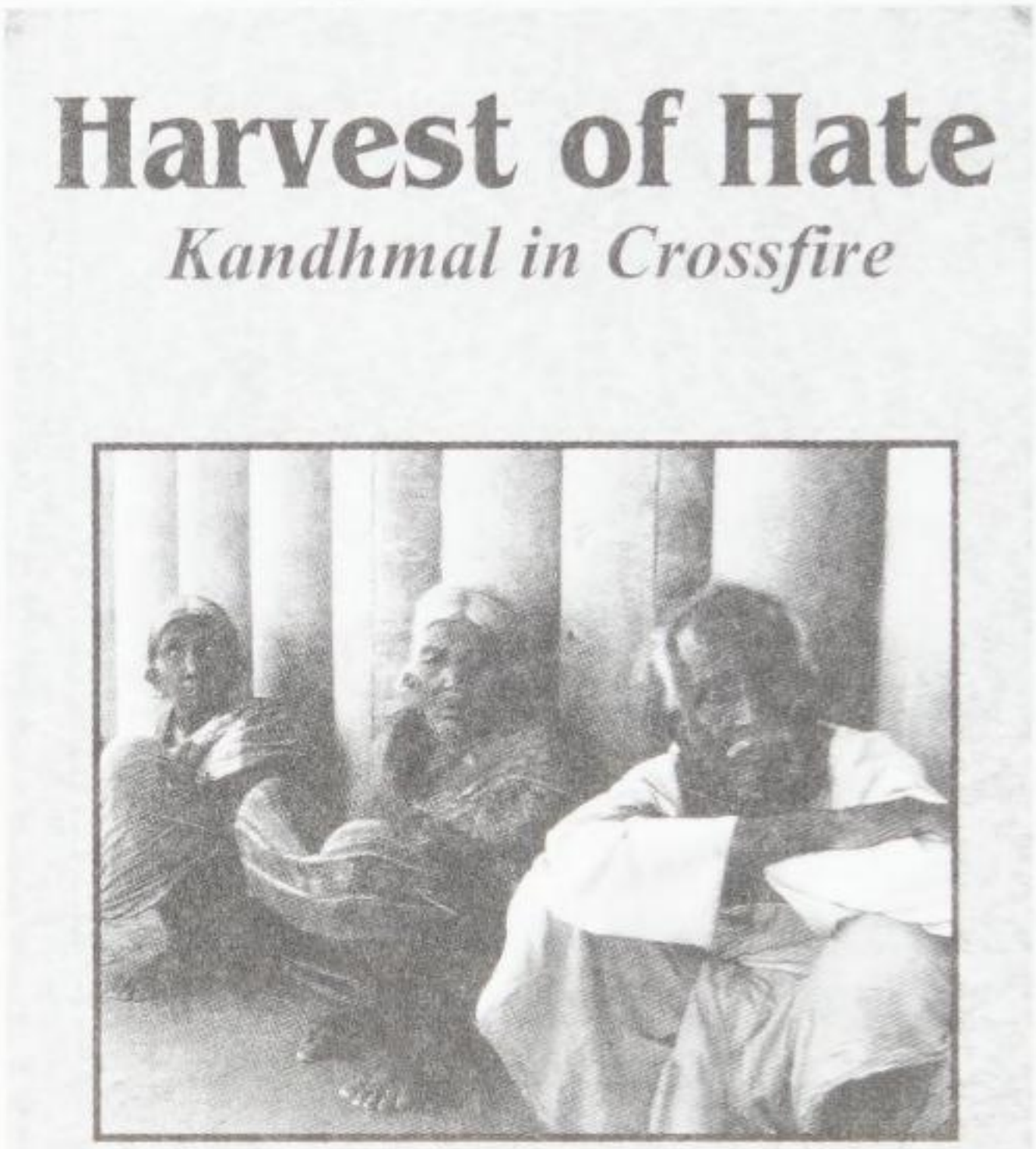
Joseph Goebbels, Hitler's propaganda minister, extended his master's logic further to declare that "*If you tell a lie big enough and keep repeating it, people will eventually come to believe it…. It thus becomes vitally important for the State to use all of its powers to repress dissent, for the truth is the mortal enemy of the lie, and thus by extension, the truth is the greatest enemy of the State.*"

Anyone who goes through the following pages will have little doubt as to the motto of the propaganda machine of the Sangh Parivar. I have had several interactions with the Sangh Parivar leadership beginning with the interview I had with K R Malkani, RSS ideologue and BJP vice-president, following the Babri-Masjid demolition in 1992. But I should admit, I had no occasion to find out if RSS offices kept a portrait of their role model Joseph Goebbels.

'Harvest of Hate – Kandhamal in Crossfire'

Anguished secular action groups conducted several fact-finding studies and dug out shocking facts, some of which have been quoted in this book, to pressurise the Odisha government to uphold the rule of law in lawless Kandhamal.

But as the number of fact-finding studies with shocking data kept mounting, a voluminous book titled *'Harvest of Hate – Kandhamal in Crossfire'*, authored by Michael Parker – profiled as a US national, was published by the India Foundation based in New Delhi in late 2009.



Contrary to its title, the 348-page book hardly mentioned the brutal hate crimes that had been unleashed on the hapless Christians. Rather, *'Harvest of Hate'* bluntly justified the orchestrated violence and carried only a series of photos of murdered Swami Laxmanananda and the inmates of his Ashram - most of them highlighting the bullet marks.[218] The hidden agenda behind the book was to justify the pogrom carried out in Kandhamal after inciting the gullible Hindu majority against the 'foreign' enemy – Christianity.

Several key church leaders had received anonymous courier packets of *'Harvest of Hate - Orissa in Crossfire'* by Michael Parker since 2010. I was desperate to catch hold of a copy due to my keen interest in Kandhamal.

But none of them was willing to spare the copy they had received. Finally, I managed to get a photo copy of the bulky book running into 348 pages in large size.

218 *'Harvest of Hate'*, pages 313-324

Even a casual perusal of the work that reproduced obscure documents even in Odia – a language intelligible to only three percent of 1.26 billion Indians – would make anyone wonder if it was really the work of a Seattle-based US anthropologist as it claimed. The language and the local content also posed questions about the identity of the author to whom the work had been attributed.

My quest for an original copy of the masterpiece of the Sangh Parivar propaganda on Kandhamal bore fruit quite accidentally. In fact, as luck would have it, I got almost all the major RSS products on Kandhamal – I do not know if there are more – in one go.

Saffron 'gift' to church leader

I happened to be in the right place at the right time so much so that that I received the bundle of documents that Ram Madhav, RSS spokesperson, 'gifted' – foolishly or arrogantly – to a top Catholic church official in Kerala during his visit 'to promote harmony' in 2012.

Shortly before Madhav arrived, I had called up the church official for reaction on a serious issue. Aware of my keen pursuit

of the developments on Kandhamal, Archbishop Andrews Thazhath of Thrissur, the president of Kerala Catholic Bishops Council (KCBC) called me up soon after Madhav left. The RSS spokesperson had left a over dozen books, booklets and DVDs dealing with Kandhamal as a gift. Saying "these should be interesting to you", he told me that I could take them.

Perhaps the suave RSS spokesperson for a decade until he was elevated as BJP general secretary in 2014, Madhav made the blunder of his life by giving away clear proof of the insidious ways of the Sangh Parivar.

The documents gifted by the RSS spokesperson opened the gates to unravel the mystery behind the Kandhamal fraud. The gem among the printed documents was indeed '*Harvest of Hate - Kandhamal in Crossfire*'.

Enter Brannon Parker

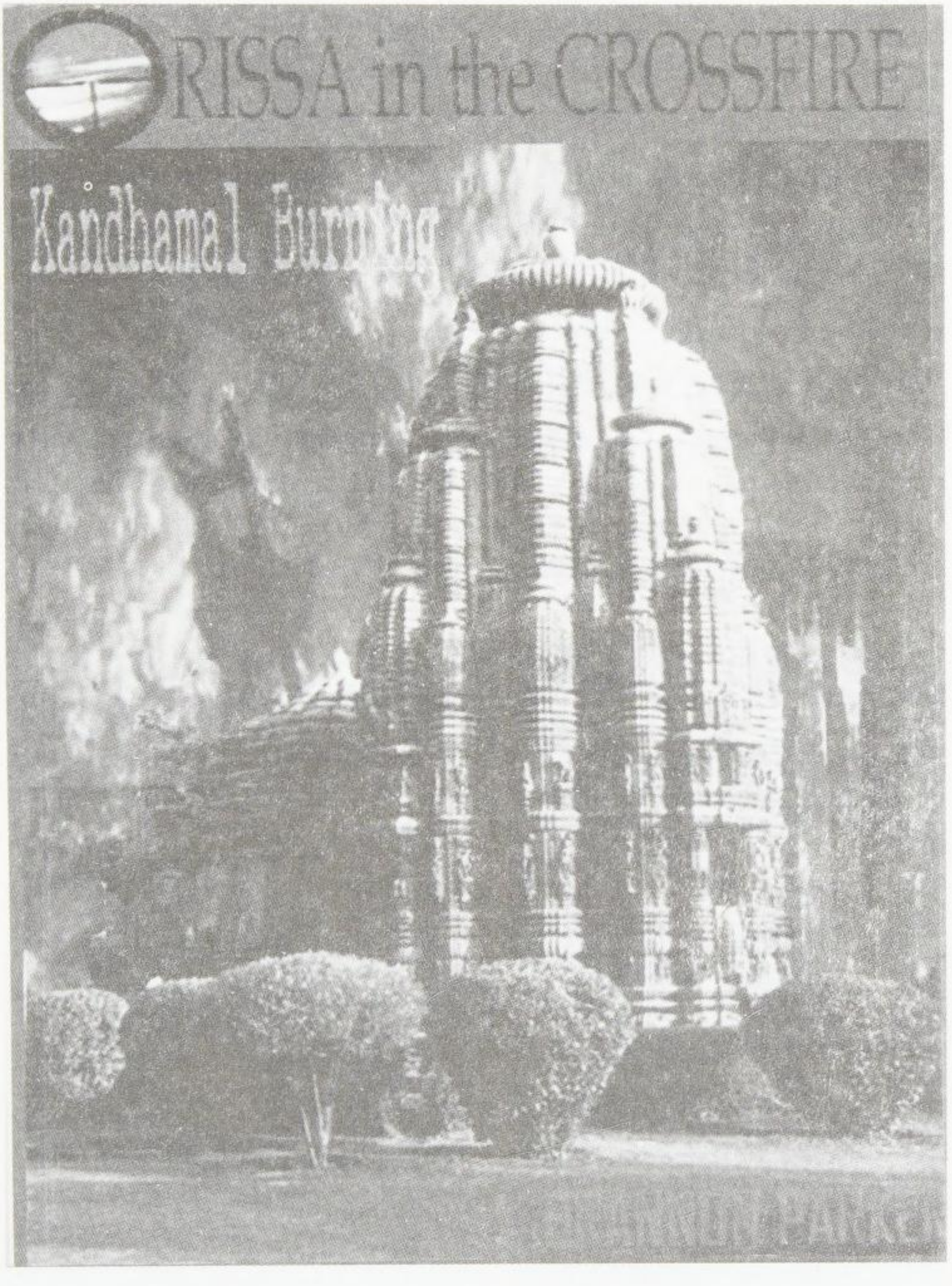
My suspicion about the genuineness of the author behind the title came true in November 2012. I stumbled on the same book published under a different name – '*Orissa in the Crossfire – Kandhamal Burning*' with minor modifications.[219]

The 'new' book – that was initially e-marketed through even Amazon.com by the new publisher Lulu.com – had a new author too. Thus, Michael Parker became Brannon Parker with hardly any change in the content of the book.

The surprising element in the double Parker saga was the '*note*' about the new book – *"The Indian edition of the book was written under the name Michael Parker"* – that appeared on the internet in 2012. However, this '*note*' has mysteriously disappeared from the web links when I re-searched it in 2016.)

That *note* had let the cat out of the bag. The double Parker books bear abundant testimony to the hypocrisy and duplicity of the saffron lobby that thrives by poisoning the minds of the tolerant Hindu masses.

219 *'ORISSA in the CROSSFIRE'*, Brannon Parker, Lulu.com



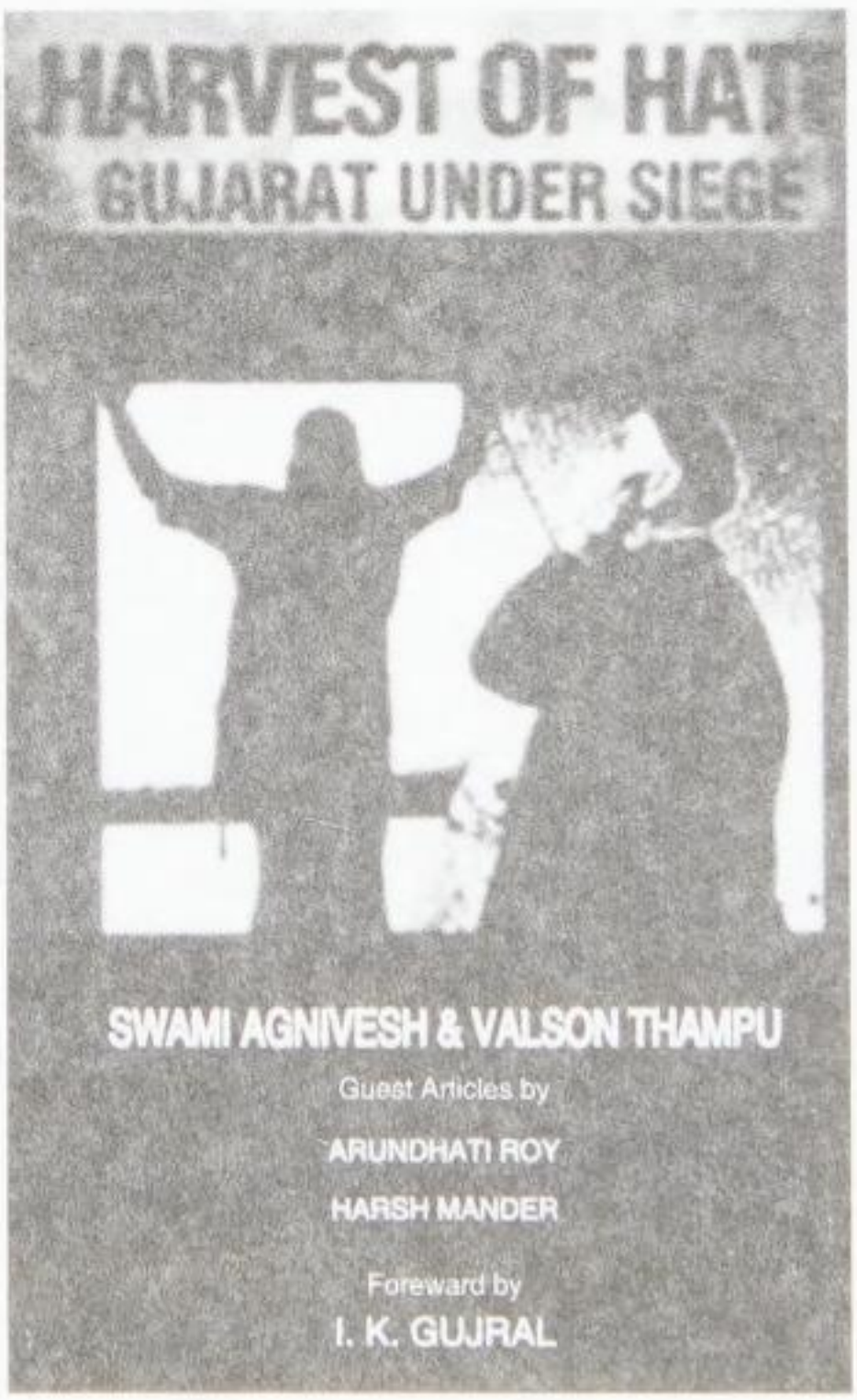
Meanwhile, Brannon Parker had been canonised as '*Vrndavan Brannon Parker*' by a saffron network Vivekjyoti. Though the saffron lobby has put up a website called 'Kandhamal Justice' (http://kandhamaljustice.org/), only '*ORISSA in the CROSSFIRE*' by Brannon Parker is linked to it while there was no mention of Michael Parker's '*Harvest of Hate*'.

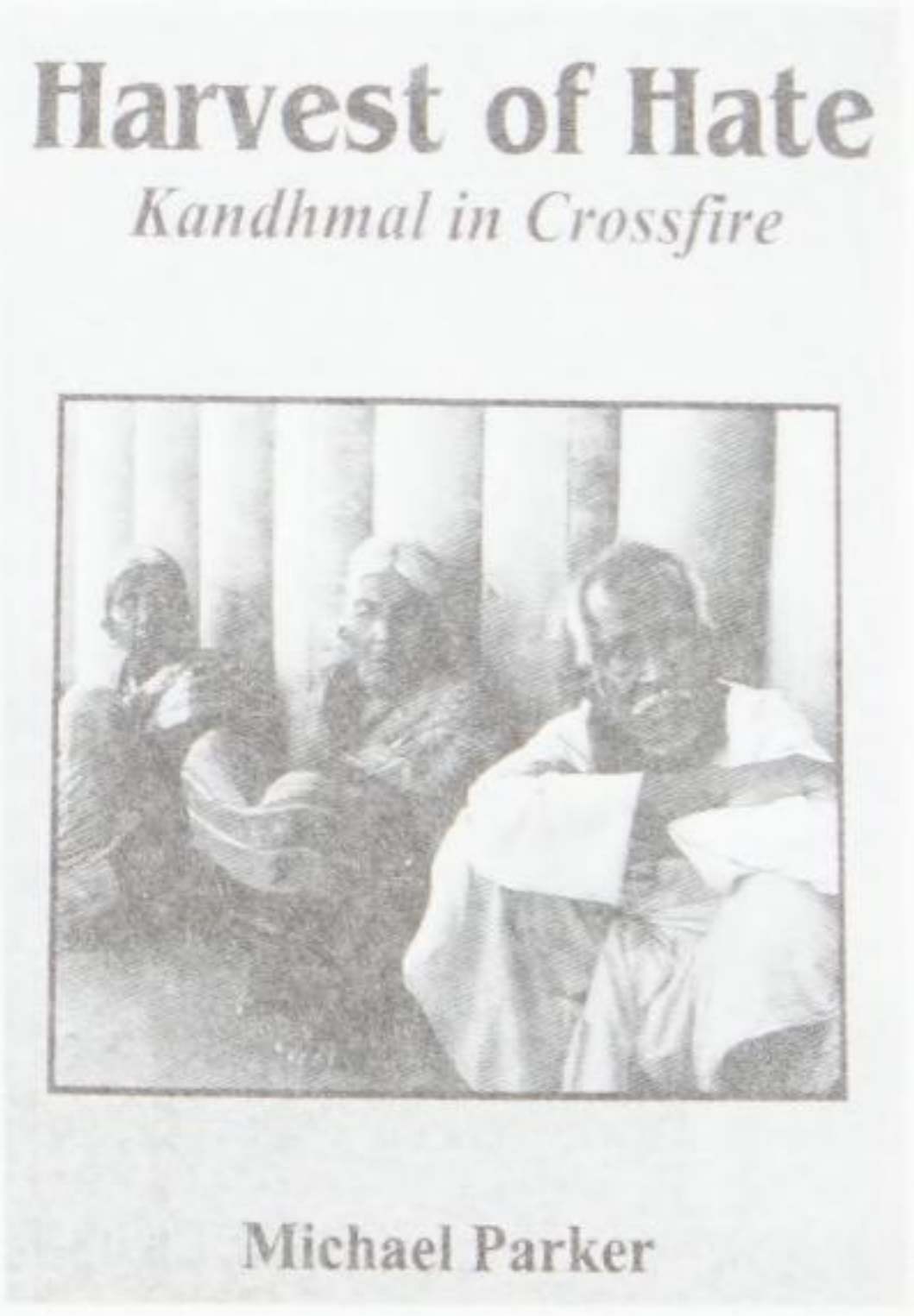
Indeed, it has been dumped in the dustbin of the saffron 'truth factory' as two different Parker authors could not coexist under different titles for one and the same book.

The Michael Parker work is now being marketed worldwide by www.lulu.com with offices in UK, France and Italy as '*ORISSA in the CROSSFIRE - Kandhamal Burning*' by Brannon Parker.

Kandhamal riddle: Which Parker is real?
Michael, Brannon or neither?

The title '*Harvest of Hate*' was itself an act of plagiarism as the original title belonged to Swami Agnivesh and Valson Thampu, who together brought out the book '*Harvest of Hate - Gujarat under Siege*' on the Gujarat carnage of 2002.[220]





Despite its clumsy language and reproduction of several pages in Odia without any English translation of these would raise questions in the mind of the reader whether it was the work of

220 '*Harvest of Hate – Gujarat under Siege,* Swami Agnivesh & Valson Thampu, Rupa Publishers

a scholar with a great lineage - Parker family that was known for being *'signatories of the founding charter of the city of Atlanta'.*[221]

In his preface to *'ORISSA in the CROSSFIRE'*, Brannon Parker claims that *"I arrived in India in early September 2008."* Further he even claims that *"In August 2009, this report was presented to the US State Department by Ram Madhav, a National Executive of the Swayamsevk Sangha."* [222]

"It had been over four years since my last visit. During my previous trips to India, I had travelled throughout the Northeast part of the country," Brannon Parker claimed.

On the contrary, Michael Parker claimed that he has been to the country 42 times.

Presently a Minister in the cabinet of Prime Minister Modi, Nirmala Sitharaman, in her 2009 *'Publisher's Note'* too reiterated this: *"As part of understanding the violence of Kandhamal, Mr Parker travelled to Orissa and spent several months studying and researching the issue in totality."*

Being an 'anthropologist', Michael Parker with a passion for the heritage and culture of the country with diverse people would certainly not have moved surreptitiously across the North-East region and Odisha.

Since both the Parkers have been projected as frequent travellers to the country, as their profiles claim, the double Parker riddle could be easily solved with photos and documents.

But ask the anthropologists in the country especially in Odisha and the North-East, hardly anyone would have heard about these Parkers let alone meeting them. Reason: these are ghost names used by the Sangh Parivar in their bid to cover-up its role in the Kandhamal fraud.

221 *'Harvest of Hate'*, page 348
222 *'ORISSA in the CROSSFIRE'*, page 3

The names of two dozen scholars and institutions that Brannon Parker has listed in his 'Acknowledgements' declaring that without their contribution 'this report would never have been produced' gives out the hands that have worked behind the voluminous work.[223]

The third one listed among the contributors is none other than Madhav who has been publicising the Parker books under different names.

Another easily identifiable name in the contributor list is Dr Umesh Patri, who was working president of the VHP in Odisha.[224]

Sanjaya Jena
Ram Madhav
Kiran
Fred Tangalin
Avani Lange
Nipuna Dasi
Bhima Guru Prasad Das
Kana Nagabhushan
Sameer Mohanty
Rajaram Sathapathy of Times of India
Prof. Sahu of the SC and ST Dept
Prof. Sahu of North Orissa University Tribal Studies
The Faculty, Staff of NOU North Orissa University
The Students of North Orissa University Tribal Studies
The Bhuvaneshwar Sri Chaitanya Gaudiya Math[225]
Janmejaya Sahu
Vijai Ganapa
Seemanchal
Rachel Mizuta
Barbara Klausman
Anand Das
T. C. Peacock
Dr. Umesh Patri
Rami Desai

It would certainly be fascinating to know how many of those named in this list have come across Brannon Parker while he was conducting research in the country.

Journalist contradicts twin Parkers

Take case of Rajaram Sathapathy, the chief of bureau of *The Times of India* in Odisha, who has been quoted as many as eight

223 Ibid, page 8
224 'Swami *Laxmanananda Saraswati becomes a martyr for stopping conversion mission*', Intellibriefs, September 02, 2008
225 *'ORISSA in the CROSSFIRE'*, page 8

times by Brannon Parker. Though Brannon claimed to have interviewed the senior journalist in Bhubaneswar, Sathapathy told this author categorically on September 21, 2016 in his office: "I have never met nor even heard about Brannon Parker."

"I have not visited Kandhamal after the Swami was killed. The language (in the quotes) is different from mine. I do not know who is this ghost author," reiterated Sathapaty glancing through the quotes attributed to him in *'ORISSA in the CROSSFIRE'*.

Perhaps the most amusing element in his 'Acknowledgements,' listing these individuals and universities, is his public apology to his wife and children.

"I would like to thank my wife and kids for their patience and understanding during my 3 month long absence in the field researching the subject matter of this report," wrote Brannon Parker[226] who has curiously penned both the 'Foreword' and 'Preface' to the book.

Even Supreme Court not spared

The saffron haze of the Parker books is evident from the fact that the so-called US scholars have not spared even the Supreme Court of the country.

"As if following a script written by the Congress party, the Supreme Court spoke without taking into account the specifics of the Kandhamal crisis," Brannon Parker fumed.[227]

Christians own 27 percent of the land in India!

"The Christian Church in India is a vast and profitable enterprise. Despite representing a mere approximate 3% of the population it owns 27% of the land. Much of this land is turned towards various money making ventures," says Michael Parker on page 64 of *'Harvest of Hate'*. (The same passage appears on page 80 of Brannon Parker's *'ORISSA in the CROSSFIRE'*).

226 Ibid, page 7
227 Ibid, page 269

This is no joke. It is the fruit of years of research by non-existent American scholars. The India Foundation's capacity to fool the people of the nation by manufacturing of such stunning data provides ample reason to confer it the title of 'saffron truth factory'.

If researchers or investigative scribes take the effort to scrutinise more of such products from the dubious India Foundation, I have no doubt, worse shocking data would tumble out from the cupboards of this 'truth factory'.

If this atrocious claim - that Indian Christians own 27 percent of the land in the country - was true, the community should have been India's most prosperous community.

Parker books cast in saffron

Despite spreading canards about Christianity, Churches and Christian leaders, the book also has some documentary value. It can be treated as a documentation of the negative and anti-Christian news reports – both real and fabricated – that have appeared in the country during the last two decades, meticulously putting together newspaper clippings. But caution has to be the watchword as the American scholar makes several sweeping statements like: "*Rape and murder are tragically common in the Christian churches of Kerala, India.*"[228]

To whitewash the rape of the Catholic nun in public, the Seattle-based 'anthropologist' author turned to reports of sex abuses in the church in the US and Africa, and portrayed church as 'a profitable enterprise'.

Kandhamal : A Fact File
Reports by Fact Finding Teams

Michael Parker

INDIA FOUNDATION
NEW DELHI

After lambasting western missionaries, both authors justify Odisha's Freedom of Religion Act with reference to 'Europe's

228 *'Harvest of Hate'*, page 233

anti-conversion laws'. Michael Parker title has even a chapter titled '*Defeated Truth*'.[229] Except for this chapter title, both books have almost the same content.

(The India Foundation has also brought out a smaller dossier on Kandhamal under the name of Michael Parker titled '*Kandhamal: A Fact File - Reports by Fact Finding Teams*'.)

Mysterious India Foundation

The '*Publisher's Note*' to '*Harvest of Hate – Kandhamal in Crossfire*' has come from none other than India Foundation director Nirmala Sitharaman who has since climbed up the BJP ladder. She assumed mantle of the Minister of Commerce & Industry as well as Minister of State for Finance and Corporate Affairs under Prime Minister Modi in May 2014.

The *'The Harvest of Hate'* was hailed as an *'honest documentation'* by eminent journalist M V Kamath in his rave review of the ghost book.[230] However, it was soon dumped into the waste basket of the Sangh Parivar's truth factory.

In the '*Publisher's Note*', Nirmala Sitharaman described Michael Parker, the author of the book, as *'An American social researcher based in Seattle.'* In the next sentence, she also declared that *"As one born in India, Mr. Parker had great interest in the social dynamics of the country."*

However, the profile of Michael Parker that is printed on the concluding page of the book gave a different account: *"Michael Parker was born in Atlanta, Georgia, USA in 1967."*[231]

Due to such contradictions, the saffron think tanks were well aware of the danger that the truth would leak out if they retained the title of the ghost book.

229 Ibid, page 226
230 *'An honest documentation on Kandhamal'*, Organiser, October 25, 2009
231 *'Harvest of Hate'*, page 348

PUBLISHER'S NOTE

Kandhamal occupied tonnes of news print last year, not just in India but globally. This remote and tranquil district, tucked away in the western hills of Orissa, has become big time news for months, attracting politicians to priests, media hounds to NGO hawks. In just a few months a predominantly nondescript tribal district became synonymous with everything that is against our stated ideals of secularism, tolerance, human rights and religious liberty.

A massive media onslaught was unleashed in the wake of the violence that erupted following the gruesome killing of a highly revered saint Swami Lakshmanand Saraswati along with 4 of his disciples in the end of August 2008. The sensationalisation of issues by the media ended up deflecting the debate away from the several important dimensions of the conflict that require serious understanding and contemplation. The violence that resulted in the death of scores of innocent people and sufferings to scores of thousands more is certainly ghastly and condemnable. However the fact that the districts in the immediate vicinity too were not affected by this violence that went on for weeks speaks of something very fundamental; that there must be a very serious local situation that must have acted as the catalyst for this trigger off.

The India Foundation, a Delhi-based Think Tank thought it appropriate to look into what must have been the factors that had led to this unprecedented scale of violence and what were the dimensions of this conflict. Accordingly a spot study and research was commissioned and the result of that research and study is in your hands in the form of this report.

Our researcher Mr. Michael Parker is an American social researcher based in Seattle. As one born in India Mr. Parker had great interest in the social dynamics of this country. He visits this country quite often and travels extensively. As part of understanding the violence of Kandhamal Mr. Parker travelled to Orissa and spent several months studying and researching the issue in totality.

This report "Harvest of Hate: Kandhamal in Crossfire" is a product of his hard work and a thorough and insightful research.

We are thankful to him for burning so much midnight oil on an issue that needed just and proper understanding and analyses.

Dr. Nirmala Sitharaman
Director, India Foundation

'Publisher's Note' for Michael Parker's book by Nirmala Sitharaman

In my pursuit of justice for seven innocent Christians convicted to life imprisonment for the murder of the Swami by a shocking verdict, I had gone through the 348-page *'Harvest of Hate'*. I cross-checked it with *'ORISSA in the CROSSFIRE – Kandhamal Burning'* by Brannon Parker that I had downloaded from the internet in 2012 after paying US$ 11.

Convinced of a sinister propaganda machine at work, I sent an email to the India Foundation which evoked no response while its director Sitharaman gave no clear answer when I called her up in 2013.

Published by
India Foundation
Flat No. 343
Chandanwadi Society
Sector-10, Dwarka
New Delhi-110045
e-mail: indiafoundationmail@gmail.com

Harvest of Hate
by Michael Parker

Edition
First, 2009

Price
Rs. 300.00 (Rs. Three Hundred Only)

Printed at
Bhanu Printers, Delhi

Flat owned by Ajit Kumar Doval, presently National Security Advisor, was the India Foundation contact address

India Foundation office:
Flat owned by National Security Advisor

Since the publisher, Indian Foundation, had provided no contact numbers for Michael Parker's '*Harvest of Hate*', the only option before me was to contact the address of the fanciful foundation that was printed in the book.

That venture gave me the shock of my life. I had presumed that the address printed on the book – flat number *343, Chandanwadi Apartment, Sector 10, Dwarka, New Delhi 110045* – would be a fake one or one that belonged to some anonymous Sangh Parivar sympathiser.

But the outcome of my journalistic inquiry about the flat was stunning. The owner of the flat was none other than Ajit Kumar Doval, the National Security Advisor of India. The ghost book had been published from a property registered in the name of Doval who has emerged as one of the most trusted lieutenants of Prime Minister Modi who handpicked him even before the result of 2014 election came out.

This revelation of Doval's hand in the cover-up of Kandhamal fraud widened the horizon of doubts whether the Kandhamal pogrom had been endorsed at the highest level.

Doval's clout under Prime Minister Modi has been well illustrated by *'Outlook'* weekly in the cover story on the National Security Advisor titled *'A Short Walk To Bogtown'* in its issue of January 18, 2016.[232]

Lulu.com @ saffron master's service

Since I had only a downloaded copy of *'ORISSA in the CROSSFIRE - Kandhamal Burning'*, I ordered a copy for US$ 31.8 and had to pay an additional US$ 42.99 for express courier delivery on February 17, 2016.

The service was indeed fast and efficient. Within a week, I had in my hand a copy of *'ORISSA in the CROSSFIRE - Kandhamal Burning'*.

With BJP in power,
India Foundation comes out of hiding

Since the BJP came to power under Prime Minister Modi's stewardship in May 2014, the India Foundation has stepped out

232 *'A Short Walk To Bogtown'*, Outlook, January 18, 2016.

in the open and set up an office: *F-3, III Floor, Upasana Building, 1 Hailey Road, Connaught Place, New Delhi – 110001. Phone: 011 43012351 Email: mail@indiafoundation.in*

Even veteran journalist M J Akbar is now one of the board members of the India Foundation along with Prasar Bharati chairman Surya Prakash and Minister for Railways Suresh Prabhu apart from Madhav, Sitharaman and Shaurya Doval, son of National Security Advisor Doval whose flat had been the foundation's contact address during its days in hiding.

RSS CD, gifted by Ram Madhav, lists various Sangh Parivar affiliates

Among the documents in the 'gift' by Madhav was a CD that provided an honest projection of RSS with wings fanned out to diverse spheres of life. Certainly, it would be no exaggeration to call it an octopus that has it tentacles spread out in the key sectors of the nation ranging from education, farm, labour, literature and history as well as women's empowerment among others.

Finally, the cat is out of the bag and it is official. The CD puts on record that the BJP is only a part of the larger Sangh Parivar that RSS controls. This revelation exposes the hollowness of the BJP's claim that RSS is only a 'social cultural organisation' and the party does not take orders from the RSS.

RSS offshoots

VHP	BJP
Rashtrasevika Samiti	Sri Ramajnmabhoomi
Bharatiya Mazdoor Sangh	Ekatmata Yatra
Bhartiya Kisan Sangh	Swadeshi Jagran Manch
ABVP	Sahitya Parishad
Adhivikta Parishad	Vidya Bharati
Itihas Snkalan Samiti	Sewa Bharathi
Vanavasi Kalyan Asharam	Prajna Bharathi

Goals

Social harmony	Character building
Goraksha	Sewa

Ready for selfless service

3

'The Agony of Kandhamal'

When I stumbled upon the shocking revelation that the dubious India Foundation's printed office address was a flat owned by Doval, the National Security Advisor of India, I suspected that there could be more skeletons in the India Foundation's truth factory.

I rushed home to trace the set of books and DVDs that Madhav had gifted to the Kerala Catholic Church head in 2012. Overjoyed with the copy of *'Harvest of Hate'* from the bundle of documents I had received then, the rest had been dumped among various documents that have accumulated over the years as a journalist.

Finally, three years after I got the golden treasure, the explosive value of the RSS products dawned on me. Among the various India Foundation products was the DVD titled *'The Agony of Kandhamal – A film by India Foundation'* portraying Hindus as the victims. It is a testimony to the insidious ways of the RSS propaganda machine.

'The Agony of Kandhamal' is indeed a great specimen of the crookedness of the Sangh Parivar that can even outdo their role model - Joseph Goebbels, Hitler's propaganda minister.

With clever doctoring of the video of Christian victims, the documentary claimed: Hindus were the 'real victims' of Kandhamal bloodbath while Christians were 'relaxing in the relief camps'. It is a classic example of turning wolf into sheep and vice versa.

The subtitles and transcripts (in *italics*) of the first part – 19 minutes of the 45 minute DVD is here. While the opening videos of injured and bleeding victims, and burning houses would make any one sit up to watch the full DVD, the Christian identity of the victims is not even mentioned. Since the target of the documentary is ostensibly to portray Hindus as the victims of Kandhamal conflagration, the viewers would tend to believe that the victims were Hindus only.

Apart from that, the documentary got even the date of the Swami's murder wrong not once but twice. Instead of the actual date of August 23, the video shows it as August 22.

The print cover of DVD 'The Agony of Kandhamal'

Note: To distinguish between the original narrations, quotes and my comments, the comments have been shown in (brackets) while the quotes appear in *italics*.

"*They want to establish New Christian Association in the village that is why not even a single person of a different religion can stay in this village,*" claims an old man.

Narration: Kandhamal, a serene scenic landscape tucked away in the hills of western Orissa, a state on India's eastern coastline spread over an area of 8,021 sq km. It has a population of over 648,000 – 52 percent are Kandho Tribals, 18 percent are SC Pana. They are simple and hard working people leading a tranquil and a harmonious life. They have a culture that is rich and colourful.

And comes August 2008, Kandhamal erupted, peace shattered and lives destroyed and entire population turned into warring enemies overnight.

A woman with tears says: "*Both of us were going when we were spotted at Pipalpada, they took a sword and stabbed him from behind.*"

(While the viewers may get the impression that the victim was a Hindu, she was in fact a Christian – Runima Digal from Gutingia village.[233] *Kindly see* **'Dead body disappears when wife goes to police'** *on page 47.)*

Runima Digal in January 2009

Another woman says: "*I had gone to the toilet, they came from the back and beat me up, then they raped me, they even threatened that if I told my husband, they would kill me. They also said that my husband would not be able to help me.*"

An elderly man, with wife and a small child claimed: *"About*

233 *'Dead body disappears when wife goes to police'*, Kandhamal craves for Justice, page 33

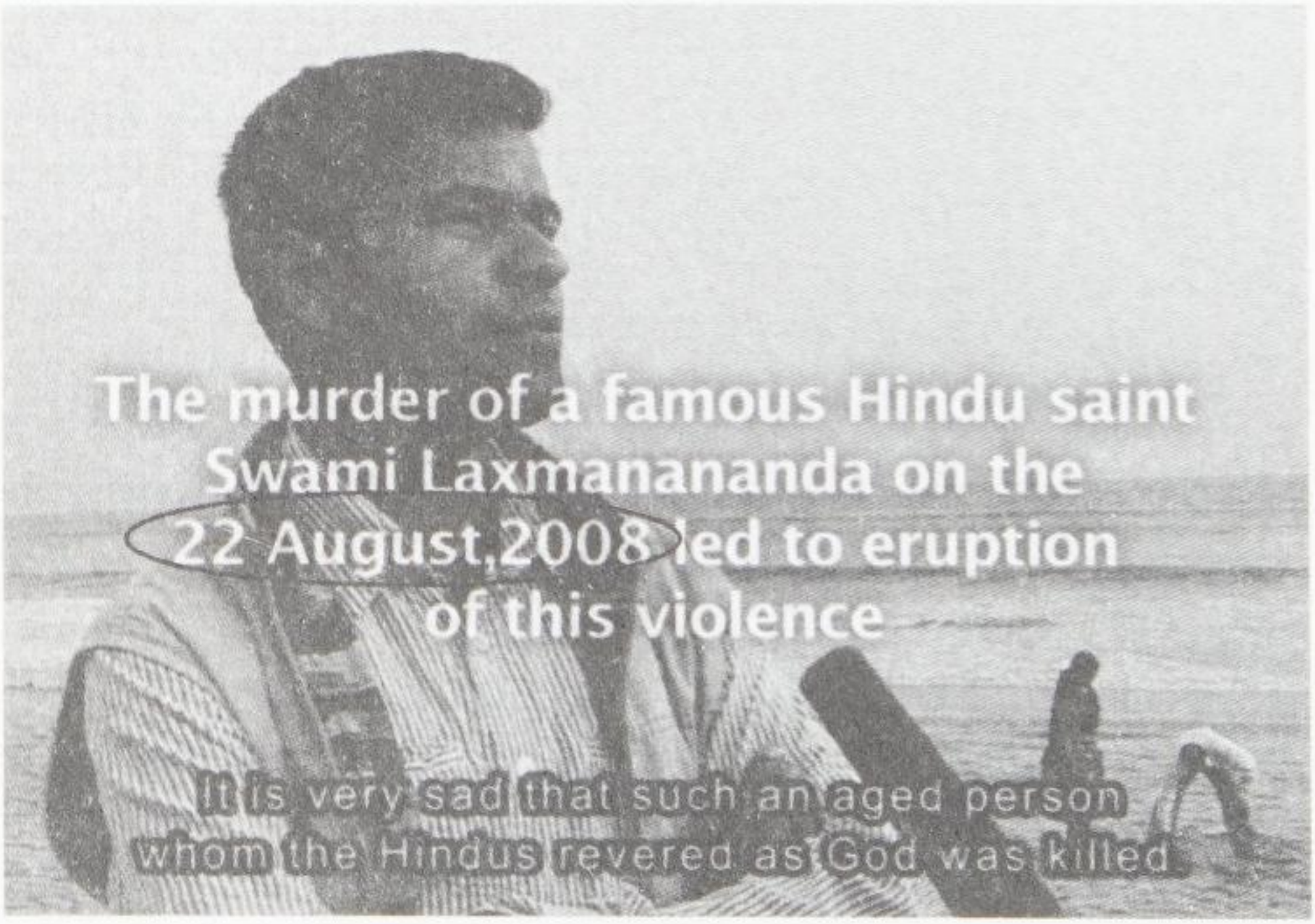
nine at night, our son was going to sleep after coming back from the toilet, at that time, the Christians came and shot my son. We rushed out to see what happened. A young man was running. The Christians threatened us. We will butcher you in the same manner as we cut your Swamiji into pieces, we will butcher you also into pieces and they ran away uphill after saying this."

The woman sitting next to the elderly man says: *"How are we going to take care of this small kid? They shot my son."*

Rajaram Satpathy, principal correspondent of *The Times of India*, Bhubaneswar, had this to say: *"It was a minor crack, the crack has widened and widened and widened over the years and now it has become so wide and it is exploding. So, if you see violence today or violence in December, this is nothing but a manifestation of a social divide that has happened between the Kandho tribals and Pana Christians."*

Narration: The murder of famous Hindu Saint Swami Laxmanananda on the 22 August 2008 led to eruption of this violence.

Renowned sand artist roped in for saffron propaganda


The murder of a famous Hindu saint
Swami Laxmanananda on the
22 August,2008 led to eruption
of this violence
It is very sad that such an aged person
whom the Hindus revered as God was killed

A grab showing wrong date of the Swami's murder and Sudarshan Patnaik's interview from 'The Agony of Kandhamal'

Sudarshan Patnaik, a renowned sand artist says: "*It is very sad that such an aged person whom the Hindus revered as God was killed. His murder and the way he was killed was wrong. I spoke to the media people. They said, Sudarshan! You can't see that situation. I was talking to the media people they said that you will not be able to see this, he was about 85 years old, his leg was brutally axed and then he was fired upon. Whoever sees it would definitely get provoked.*"

(It is shocking indeed that Sudarshan Patnaik – known for his amazing skills to make lookalikes of personalities and structures out of sand – too got trapped in the Kandhamal propaganda machine.)

Swami Madhav Chaitanya from the Jalespata Ashram says: "*We received a threatening letter that we handed over to the police. It took seven days for them to act. Even then they did not do anything worthwhile; they used to threaten about killing us, kidnapping the kids etc. We complained to the authorities again and again, no action was taken. The guards who were assigned for the protection of Swamiji, stayed at Tumudibandh which is 3 km away from the Ashram. Nobody was present here.*"

Mr. Bhatruhari Mathab, MP (BJD), Cuttack, says: "*It became a very emotive issue, a saintly person like Swami Laxmanananda, who was at the fag end of his life around eighty plus, the manner in which he was murdered, that created a strong feeling among the masses.*"

Narration: It was the most brutal murder of a revered Saint Swami Laxmanananda Saraswati, almost a demi-god to millions of tribals and other under privileged sections of the society, in front of hundreds of tribal girls at his Jalespata Ashram set off a chain of violent reactions. Four of his disciples including a woman saint Mataji were also murdered in that gruesome incident on 22 August 2008.

A tribal woman says: "*After Laxmanananda was murdered, we came to know that everything was closed around here and all the roads are blocked. There was uproar in the nearby village, we learnt that Christians in our*

village are also going to be attacked. On the 26th of August, there was a procession held in our village. Later in the evening, they destroyed our church in the village. Now we have shifted to the relief camps leaving our houses and village. We stay in the Hathisal relief camp no. 2. It has been nearly three months since we came here on August 29. We are staying here with our Children and family."

A man outside the camp says: *"The day after Laxmanananda was killed, we the Christians and our families were attacked, our homes and properties were burnt down. We were also robbed at some places. Due to fear we escaped to the jungle. From the jungle we informed the administration of our plight. The administration refused to help us, after their refusal, we walked through the jungle and reached a police station. This relief camp was started here at the same time when we reached the police station. Now we live in this relief camp itself."*

(Visuals here portray Hindus as the victims.)

Narration: The government has set up relief camps with basic amenities with food, water and shelter. But these camps were accessible only to a section of the victims of the clashes while a large section of the hapless victims were left to fend for themselves. Most of them had to run away into nearby jungles for the fear of attacks by the other community or arrests by the police.

Ramakanth Rath, renowned poet and former chief secretary, Odisha says: *"I have visited some of the villages, it a pain to see that the men folk are absconding. They have taken shelter in the forests and the hills and the women and the children are left behind, they are hungry, they are sick and there is nobody to look after them. We are this kind of society."*

Some women question: *"Why haven't the murderers of Swamiji been arrested yet? Why only the poor and helpless like us are getting arrested? The Christians are eating happily in the relief camps. We Hindus are not getting anything to eat. We end up wandering in the jungles. We cannot even think of going to the bazaar because of the curfew. The Hindus do not get*

any work even in the village. We do not even have oil and salt. And we are scared of going into the jungle. The men go and sell the vegetables we grow in our fields along with firewood. They get arrested while selling the vegetables."

(The entire background and locale of the following visuals too appear to be stage-managed for the camera.)

This is clear in the video of a young woman, lying on a mat in the pitch darkness in the open with a child playing on her face, who is heard saying: "*The Christians have broken down the doors of our homes and beat us up, they threaten to beat us and kill us in the same way they killed Swamiji. Due to this fear we come to sleep in the jungles to sleep. Police forces take away our men folk without any reason. They now say that Christians would even come into the jungle to beat us up. We are not scared of tigers and bears but of getting killed by the Christians. In fear we sleep in the jungle. Its 2-3 months and we still sleep in the jungle as we are scared. The Christians eat rice and curry well in the relief camps at Udaigiri and Raikia, we get nothing to feed ourselves in these jungles.*"

Another woman says: "*With the intention of killing the people of Sispanga, lots of bombs were made, they have already killed my Father, now only my uncle is alive. They have sent letters threatening to kill him. After receiving these threats, we told our uncle not to come home. I asked him to stay at a safe place as we are living in fear here. They said that they would kill him when he returns. We eat whenever we manage to get food. When there is no food, we stay hungry. My Grandmother is old. And if they kill my uncle, where will we live? We are left with no place to live.*"

Rajaram Sathapathy, bureau chief of *The Times of India*: "*Who is Swami Laxmanananda? He was actively involved in Vinobha Bhave's Bhudaan movement. Subsequently he set up his Ashram in Kandhamal District. His agenda was or he was actively involved in telling the poor tribals how to become self reliant and he was also involved in spreading education.*"

(However, the most thrilling section of '*The Agony of Kandhamal*' comes in the second part between 2 minutes 20-50 seconds where Swami made a boastful claim that even the Pope and Sonia Gandhi were opposed to his work.)

"The actual intention of the Europe, US, the Pope and Sonia Gandhi was to convert the entire region into the independent Christian land.

But God has sent me from Himalaya and it was stalled. That is why their campaign was to drive away Swamiji and create a Christian land. As long as I am alive I shall not let you do that," Swami Laxmanananda declared in his interview.

(Perhaps, the Swami had to pay for this boastful claim with his life.

The closing dedication of the documentary unwittingly tells the real story of Kandhamal people *'whose sufferings see no end'*.)

4

Who killed the Swami?

The previous chapters on the travesty of justice and the fraud have thrown up several clues as to who were behind the cold-blooded murder of Swami Laxmanananda.

The questions that emerge logically are: "Who killed the Swami? Why was he killed? What was the reason or provocation to undertake such a stunning operation that, if exposed, could shock the one billion Hindus of the country?"

Nothing happens in a vacuum. There was indeed an agenda behind the murder. The following factors hold the key to unraveling the mystery behind offering, as the *Hindu Jagran Samukhya* claimed, a "*gift to their Lord, for His sadistic pleasure, the assassinated body of a Hindu monk and those of his associates as it was the eve of Sri Krishna Janmashtami and also the eve of the foundation day of Vishva Hindu Parishad.*"[234]

The reference to the Swami's assassination day – August 23 – as *'the eve of the foundation day of Vishva Hindu Parishad'* in the concocted Beticola resolution itself offers clue to the key actors who had played out the tragic Kandhamal drama.

While it enhanced the suspicion, I stumbled upon more shocking revelations while pursuing Kandhamal's travesty of justice and the fraud.

In the context of the all out cover-up permeating even into constitutional bodies as illustrated in previous chapters, I have no hesitation in concluding that Swami Laxmanananda's murder was the fallout of a deep political conspiracy.

234 The statement *Hindu Jagran Samukhya* distributed at press conference in Bhubaneswar on October 6, 2008

'Papa ki Beti'

When Sonia Gandhi was about to assume the mantle of the Indian National Congress party that was floating rudderless after the 1996 election fiasco, the Sangh Parivar unleashed a propaganda blitz harping on her Italian Catholic descent.

'Papa ki Beti' ('Pope's Daughter') was the slogan the Hindutva brigade coined to target the widow of former Prime Minister Rajiv Gandhi. This propaganda was amply reflected in a cover story in the *Panchjanya*, Hindi mouthpiece of the RSS, clamouring *'Nationalists Unite'* on February 15, 1998 – ahead of the election to choose the 12th Parliament.[235]

पाञ्चजन्य

वर्ष ५१, अंक ३६ • फाल्गुन कृष्ण ४, २०५४ वि॰ (युगाब्द ५०९९) • १५ फरवरी, १९९८ • रु॰ ६.००

देशभक्तों की एकजुटता

अब जनता को यह तय करना है कि देश पर राज

देशभक्त अटल जी करें
या सोनिया और
उसके घरेलू नौकर

Cover page of Panchjanya of February 15, 1998

The cover story of the fortnightly was packed with photos of Pope John Paul II and Sonia Gandhi on the front page with the following message squeezed between the photos: "*Now the people of the country have to decide as to who should rule the country: Nationalist Atalji or Sonia Gandhi and her domestic servants.*"[236]

235 *'Nationalists Unite'*, Hindi cover story of *'Panchajanya'*, February 15, 1998
236 Ibid

Readers might wonder why this sinister political campaign should be dragged in here.

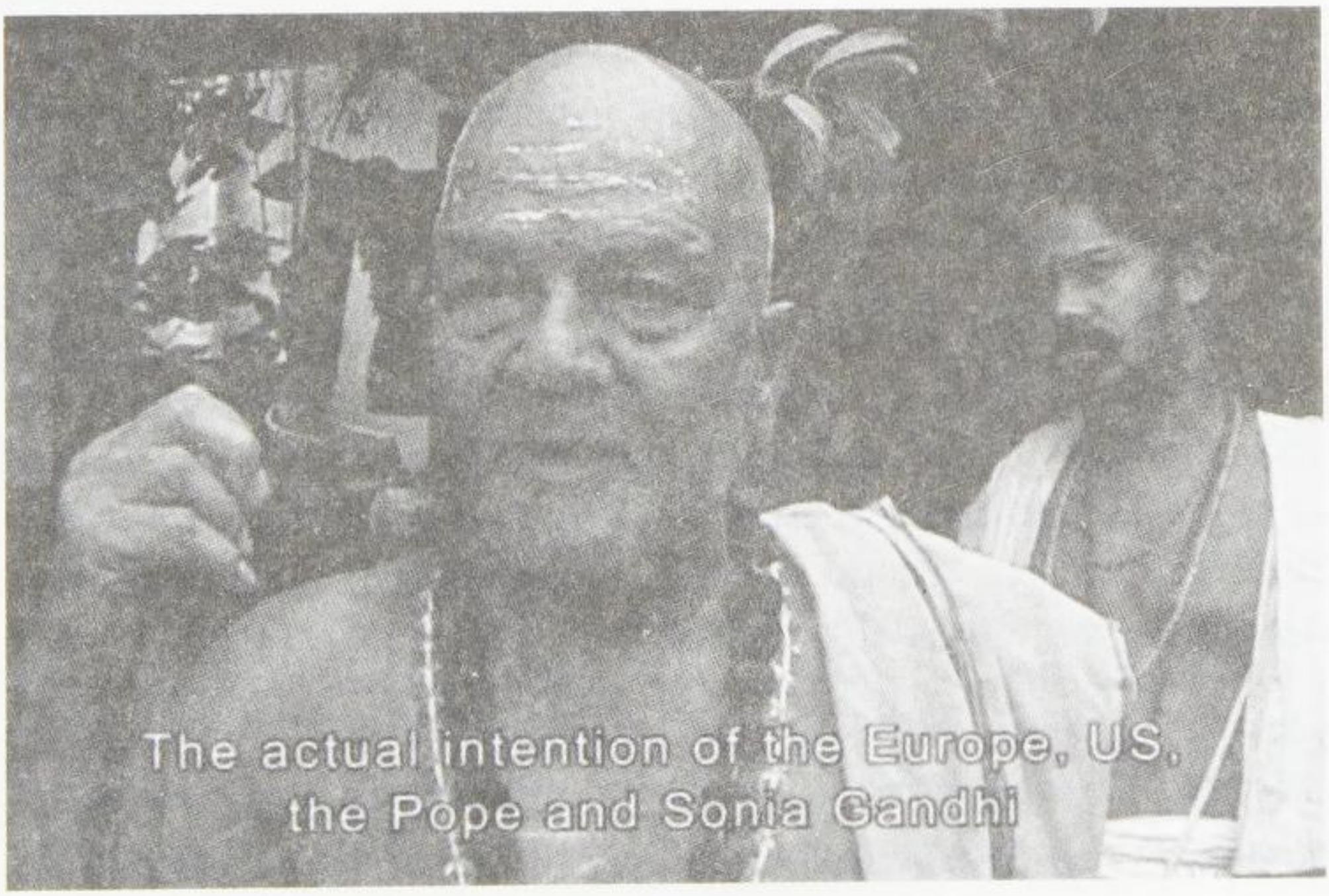
I would say that *'Papa ki Beti'* campaign lies at the root of the Swami's murder. The saffron think-tanks made a big gamble hoping to reap rich political dividends by perpetrating the Kandhamal fraud erected on the Swami's bragging statement.

Swami's boastful claim

The crucial hook for the Kandhamal venture was the 30-second boastful claim Swami Laxmanananda had made in his undated interview with a saffron media team. Elaborated in the previous chapter titled '*The Agony of Kandhamal*', the English translation of this segment of the interview is repeated here:

"The actual intention of the Europe, US, the Pope and Sonia Gandhi was to convert the entire region into the independent Christian-land.

But God has sent me from Himalaya and it was stalled. That is why their campaign was to drive away Swamiji and create a Christian-land. As long as I am alive I shall not let you do that."[237]



A grab from 'The Agony of Kandhamal - A film by India Foundation'

237 '*The Agony of Kandhamal*', India Foundation, Part II, minute 2, 20-50 seconds

This boastful statement turned out to be fatal for the Swami in his 82nd year. It provided a golden tool for the Sangh Parivar to target their bête noir – Christians. The Swami had emphatically named the Pope and Sonia Gandhi as his enemies since he was opposed to their 'agenda' to turn Kandhamal into what he termed as 'Christian-land'.

Pope and Sonia Gandhi named as conspirators

The names of The Pope and Sonia Gandhi with her Italian Catholic origin had cropped up several times in saffron propaganda on the Swami's murder. The unanimous tone and tenor of such statements lead one closer to grasp the mystery behind brutal killing of the Swami.

Quote 1: *"All this has been done at the instance of the Pope, Sonia Gandhi and the Christian leaders of Kandhamal. Swamiji had expressed fears about his life,"* Swami Kabir Chandra Nath, the custodian of the Jalespata Ashram told me in an in interview at the Ashram on March 13, 2015.

That was Swami Kabir's reaction when I asked him if he was convinced that the seven Christians convicted by the court were the real killers of Swami Laxmanananda – after he showed me around the bed room and the toilet in which the Swami was murdered.

Quote 2: *"Swamiji has laid down his life for the country. But his killing could not be tolerated. A conspiracy had been hatched since long to kill him which had been proved and the entire Christian community has a hand in it,"* VHP national secretary Praveen Togadia who reached Bhubaneswar to attend Swami Laxmanananda's funeral was quoted by the Odia daily *'Dharitri'* on August 26, 2008.[238]

Quote 3: "He demanded that an investigation should be launched to scrutinise the possible link of the church with terrorist organisations and reign in the church not only in Odisha but the entire country," the report

238 Translation of news report *'Christians have a hand in the killing'*, Dharitri daily, August 26, 2008

said. Togadia, who had come to attend the funeral of the Swami, was interacting with media persons at the airport. He left for Chakapad directly from the airport. "The attack on the Swami was an attack of the church on the Hindu religion," he said.[239]

Quote 4: *"Swamiji had earlier expressed apprehensions that he might be killed by the Christian community,"* Togadia claimed while addressing media persons on September 2 in Raipur, capital of neighbouring Chattisgarh state.[240]

"*It is a fight between the tribals and the Christians and the VHP has had no role to play in the clash,*" Togadia said.[241]

When these four quotes - made between 2008 and 2015 - are read along with the boastful statement Swami Laxmanananda had made in the undated interview to a saffron-friendly camera team, none could miss the clear link running through these almost identical statements.

Since the Swami had named even the Pope and Sonia Gandhi as people who considered him a threat to the Christianisation of Kandhamal, it was easy to spread the rumour that Christians had killed him.

Given the animosity between Christians and the Swami who used to carry out reconversion ('ghar wapsi') ceremonies during his rath yatras across Kandhamal, the followers of Joseph Goebbels knew they had a golden opportunity to demonise the Christian community.

Hence, if the Swami was murdered, the people of Kandhamal and the nation could be easily made to believe that the murder was a Christian conspiracy.

The fact that the Swami was assassinated on *Janmashtami* night gave credence to the speculation that the forces behind his murder had envisaged collateral damage. Nearly 100 Christians were killed, 300 churches and 6,000 houses looted and plundered

239 Translation of news report *'Naveen should Apologise'*, Dharitri daily, August 26, 2008
240 *'VHP has no role in Kandhamal clashes: Togadia'*, www.rediff.com, September 2, 2008
241 Ibid

in unabated violence. That would explain the rationale behind the zigzag funeral procession crisscrossing Kandhamal for two days.

Evidence strengthens suspicion

There was evidence galore – small and big – from Kandhamal in the wake of the Swami's murder.

The token post mortem hurriedly held in the Ashram compound itself in the night, failure to charge 'dereliction of duty' against the police guards who ran away when the assailants entered the Ashram and absence of the trusted bodyguard of the Swami on the day of his murder – all these reinforce the question as to who was behind the Swami's murder.

"*I saw a group of people numbering about 20 to 25 rushing towards the main road adjacent the boundary wall of the Ashram and apprehending danger to my life I ran towards the jungle. After sometime thereafter I heard the firing sound from inside the Ashram,*" admitted Pandara Singh, a policeman who ran away when the assailants came, in his deposition before the trial court on July 31, 2009.[242]

The conspiracy link could be gauged from the fact that the police department did not initiate disciplinary action against the policeman who ran away like a coward for dereliction of duty. He was duty bound to try to protect the Swami for which he had been posted there.

Madhab Chaitanya, an inmate of the Ashram and eyewitness to the Swami's murder, testified in the trial court that "*beside the security arrangement made prior to 22-08-2008, no additional arrangement of security was made despite the FIR being lodged on 22.08.2008* (following the threat letter received at the Ashram and reported to the police)."[243]

"*It is fact that the personal security officer of Swamiji had left the Ashram in the morning on 23.08.2008 and was not present at the relevant time of occurrence,*" the junior monk at the Ashram told the court.[244]

242 Testimony of Pandara Singh, police constable, in the trial court on July 31, 2009
243 Testimony of Madhab Chaitanya in the trial court on November 18, 2009, page 5, para 15
244 Ibid

The ghost book *'Harvest of Hate,'* brought out by the India Foundation, had reeled out a bizarre sequence of events that gave away the conspiracy.

"August 21: Swamiji returned to Jalespatta (Ashram) after a health check-up at Cuttack (350 km from the Ashram).

August 22: Swamiji goes to the police station to inform about the death threat letter, lodges another complaint and enquires about the steps taken. The officer in charge trivialized his concern accusing him of being overly cautious.

August 23: The personal security staff provided to Swamiji by the police goes on leave in the morning without any substitute. Swamiji was assassinated later that evening."[245]

That confirmed what Madhab Chaitanya had told the court in his deposition.

For collateral damage, the murder was carried out on the Hindu sacred night of *Janmashtami* and the body was taken out early morning itself for the winding funeral procession – as if they were following a strict military schedule.

The slain Swami's body was taken along a zigzag route across Kandhamal for two days defying curfew by a frenzied mob amid shouting of provocative slogans calling for revenge against Christians.[246]

Ashok Sahu, a former IPS officer who had played a big role in spreading the Christian conspiracy theory, had been at the Ashram to coordinate the preparations for the procession from dawn.[247] How did he manage to reach the Ashram – nearly 320 km of rugged road travel at the time from his residence in Bhubaneswar? Was he hanging around already?

On August 24 early morning, page 271 of *'Harvest of Hate'* stated, *"A C Sahu, one of the key associates of the slain Swami, was busy making*

245 Ibid, page 160
246 *'Kandhamal – the Law Must Change its Course'*, page 57
247 *'Harvest of Hate'*, page 271

arrangements for the funeral procession in the morning. "An unknown person approached him ... and handed him some documents wrapped in a red clothe...As he opened them, he was stunned. The documents were in the Oriya (Odia) *language and appeared to be minutes to a conspiracy hatched by Orissa's Christian leader to eliminate Swami Lakshmanananda Saraswati."*[248]

That was how the head of *'Hindu Jagran Samukhya'* (unheard until August 2008), Sahu (who is presented in saffron literature as DGP both from Assam as well as Arunachal Pradesh) claimed to have obtained the 'Beticola resolution'. In other words, the resolution – that was trumpeted as 'proof' of the Christian conspiracy – emerged at the beginning of the funeral procession.

It was duly presented as 'evidence' during the Swami's murder trial in the Fast Track Court to ensure the conviction of the seven innocent Christians. Two years later, the same Crime Branch officer – who got the accused Christians convicted in 2013 – disowned it as forged. *(Kindly see* **'Shocker for Sangh Parivar: Beticola resolution was 'forged'** *on page 149.)*

Elaborate preparations had been made in advance to publicise the murder as a Christian conspiracy instantly. Long lists of Christian leaders, clerics and Christian organisations were made available to the police and the media people instantly across Kandhamal and even Bhubaneswar.

For instance, advocate Manas Ranjan Singh has narrated how a CRPF officer had in his pocket the list of Christians who had attended the August 9 'MEETING OF CONSPIRACY AT RAIKIA TO Kill Swamiji' when the police questioned him on August 27. *(Kindly see* **'Catholic lawyer among Swami's killers'** *on page 110.)*

All these leave little doubt as to who was behind the Swami's murder.

The travesty of justice already illustrated here, the black out and stoic silence of even the NHRC on Kandhamal – all point the needle of suspicion only in one direction.

248 Ibid, page 271

The fact that two top police officials involved in the Swami's murder investigation have taken a contradictory stand before the Justice Naidu Commission compared to their earlier 'findings' during the investigation, also points in this direction.

"The case against the seven innocent Christians has put everyone into suspicion. Due to the political pressure, the police were forced to act," explained defence lawyer Santosh Kumar Padhi who was the first public prosecutor of Phulbani during 1984-1990.

Clues from UN corridors

After Kandhamal went up in flames and Christians were hounded out following the Swami's murder, its echoes reverberated even in the corridors of the UN (United Nations) in New York.

A senior diplomat attached to the Indian Mission at the UN was prodded by a concerned Indian NGO worker, accredited to the UN, as to what was the mystery behind the bloodshed and mayhem in Kandhamal.

"There are intelligence reports that this is a political conspiracy against the (federal) government. It was to test if the Centre (the federal UPA government) would intervene to protect the Christians," the Indian NGO worker quoted the diplomat's response to me in July 2015.

I was not surprised. I had hinted to almost the same scenario in my first book '*Kandhamal – a blot on Indian Secularism*' brought out in April 2009 – under the sub-title '*Was not Kandhamal a fit case for Article 356?*'

"But, the great political price that the UPA coalition would have had to pay for such a stern action made it content with sending 'advisories' to the Orissa government....

UPA (United Progressive Alliance) coalition presided over by Sonia Gandhi with her Italian Catholic background would not have dared to dismiss a coalition government in which the BJP was a partner for the attacks on Christian minority. If the

government did bite the bullet, that would have been handy propaganda tool for the BJP-led NDA as it could have reaped much dividend in the northern belt."[249]

What the diplomat did not elaborate was this *'Papa ki Beti'* angle. The Sangh Parivar had expected Sonia Gandhi, portrayed by the Hindu nationalists as the 'Pope's daughter out to Christianise India', to react vengefully to the massive orchestrated attacks on the hapless Christians in Kandhamal.

Due to her Italian Catholic lineage, the Chanakyas of the Sangh Parivar hoped that the UPA chairperson would succumb to the pressure from the international Christian lobby and ensure the dismissal of the Odisha government – in which the BJP was a coalition partner – for its failure to protect the Christians.

But the far-fetched saffron calculation came a cropper when the UPA government avoided stepping on the Kandhamal landmine 'realising the danger of committing political suicide'.[250]

Certainly, the intelligence agencies of the nation had done honest ground work to caution the UPA government about the hidden agenda behind Kandhamal conflagration.

Who killed Parvat Panigrahi?

One man who could have shed light on the likely actors behind the Swami's murder was Parvat Panigrahi. A known RSS worker, he had links with the Maoists, as claimed by the prosecution during Swami's murder trial.[251]

However Parvat was shot dead on March 18, 2009 in an attack which the police promptly attributed to the Maoists.

"Panigrahi a resident of Bondapipli village was staying with a friend in his house at Radiguma. He had been arrested by the police in connection with the riots of August, 2008 and released from Balliguda subjail on 14 March, 2009.

249 *'Kandhamal - a blot on Indian Secularism'*, page 50

250 Ibid

251 Prashant Kumar Parida's testimony during Swami Laxmanananda murder trial, November 9, 2009

Police sources said suspected Maoists raided the house last night and dragged Panigrahi out. They fired several rounds at him ensuring that he died on the spot," the report said.[252]

The orchestrated propaganda on the Christian conspiracy and clear hints of a contract killing that emerged from Swami Laxmanananda's murder trail point to a parallel between the killing of Panigrahi and Sunil Joshi whose name had figured in the saffron terror cases.[253]

Cover-up with fake Parker books

The spirited propaganda that the India Foundation carried out to foist conspiracies about Kandhamal across the world abusing the name of the nation itself leads to the logical question: If the Christians had conspired to kill the Swami, why should the top Sangh Parivar leadership risk their reputation to enact a fraud of Himalayan magnitude?

When their grandiose Kandhamal plan ended up in fiasco, the Sangh Parivar turned into fire-fighting mode to save their face. That would explain why the India Foundation invented Michael Parker and Brannon Parker to foist ghost books on the nation and the world.

The 'double Parker' work - that masquerades in dual roles as *'Harvest of Hate – Kandhamal in Crossfire'* and *'ORISSA in the CROSSFIRE – Kandhamal Burning'* is a monument of the Sangh Parivar's crookedness that Hitler's propaganda minister had prescribed.

It is a Herculean effort. The number of people as well as huge quantum of data and documents – real and fake – quoted in the double Parker work would amaze anyone.

Ram Madhav's admission

The credit for this should go to the saffron 'truth factory' team led by Ram Madhav. I do not want to repeat his role in promoting the Parker titles in the country and around the world.

252 Ibid
253 '*Sunil Joshi case: Spreading stain of a murder*', The Indian Express, February 4, 2011

But I would conclude by quoting from Madhav's interview to the *Tehelka* magazine in early 2009.

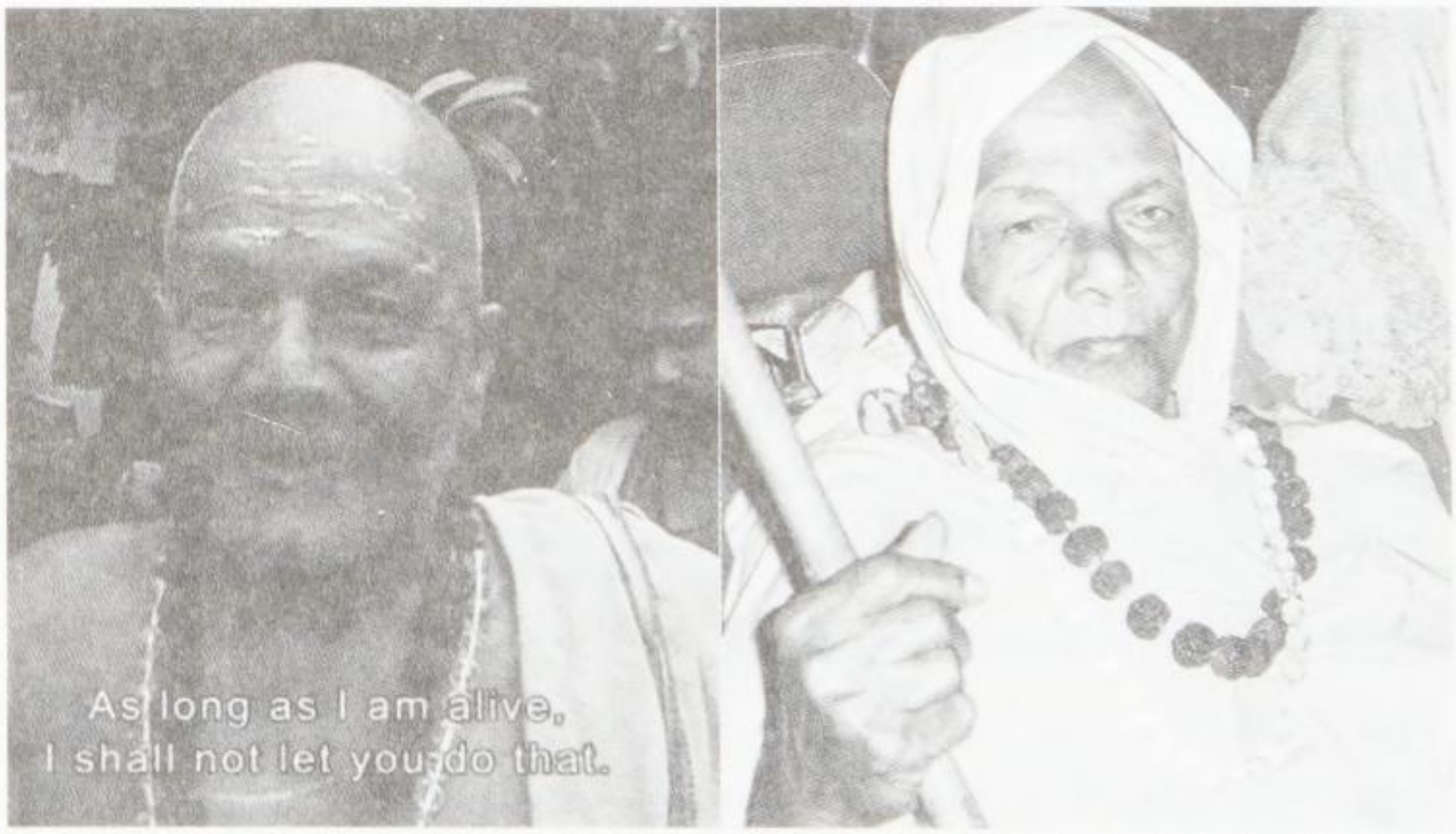
"We face an image problem. There is a huge gap between our image and reality, accentuated by incidents like [last year's Christian killings in] Kandhamal in Orissa and the 2002 [anti-Muslim] violence in Gujarat," acknowledged Madhav when a Tehelka correspondent asked him *'What are the other challenges that the RSS faces?'*[254]

"To some extent, these incidents have created an image for the organisation that does not bode well," conceded Madhav, who was then RSS spokesperson.[255]

Truly, that admission explained why Madhav had gone to the extent of abusing even the name of the nation with India Foundation to spearhead the saffron cover-up and propaganda on Kandhamal.

Confessions that confirm the conspiracy

"We tried to do something in Kandhamal. But it did not bear fruit." This confession came from none other than Praveen Togadia, VHP leader who had been anchoring the Christian conspiracy theory behind Swami Laxmanananda's murder.



Swami Laxmanananda making the boastful statement years earlier & months before his murder (Second photo: Courtsey - The Telegraph)

254 *'RSS Members Are Present Even In The Congress Party'*, Tehelka, April 4, 2009
255 Ibid

A senior journalist working with a national daily shared this shocking confession of Togadia while I met him in the run up to publicising this book in a major city. The journalist who had been posted for several years in Gujarat including during the post-Godhra times knew Togadia very closely.

Similarly, after the initial release of this book in New Delhi, I happened to meet one of the top Maoist sympathisers and presented him a copy of the book. After screening the book carefully, he surprised me: "What you have written is true. A Maoist leader has been suspended for the Swami's murder."

These two crucial confessions from the Sangh Parivar and Maoists reiterate the conspiracy behind the *'supari'* (contract) killing of the Swami.

Saner voices

Kandhamal is not a land of primitive barbarians or lawless thugs nor its majority Hindu population villainous and revengeful. The communal conflagration that engulfed the beautiful mountain district was the cumulative outcome of protracted hate-mongering and lawlessness.

Smiling Hindu youth carrying holy water

With the guardians of law remaining mute spectators, the saffron brigade enjoyed absolute impunity and their cadres pursued the Hindu nationalist agenda by exploiting the sincerity and unflinching trust of the majority Kandho tribals.

"Lokah samastah sukhino bhavantu" (Let the whole world be joyous). This *'shanti mantra'* in Hindu tradition sums up the essence of the tolerance and inclusiveness that has endeared Hinduism to other nations and cultures. Despite having no organised structure and hierarchy like most other faiths, the Hindu faith has withstood the test of time.

But what was witnessed in Kandhamal was the anti-thesis of the liberal face of Hinduism. In the name of 'protecting' Hinduism and its culture, the Hindu nationalists and their foot-soldiers have tarnished its glorious image as a tolerant faith.

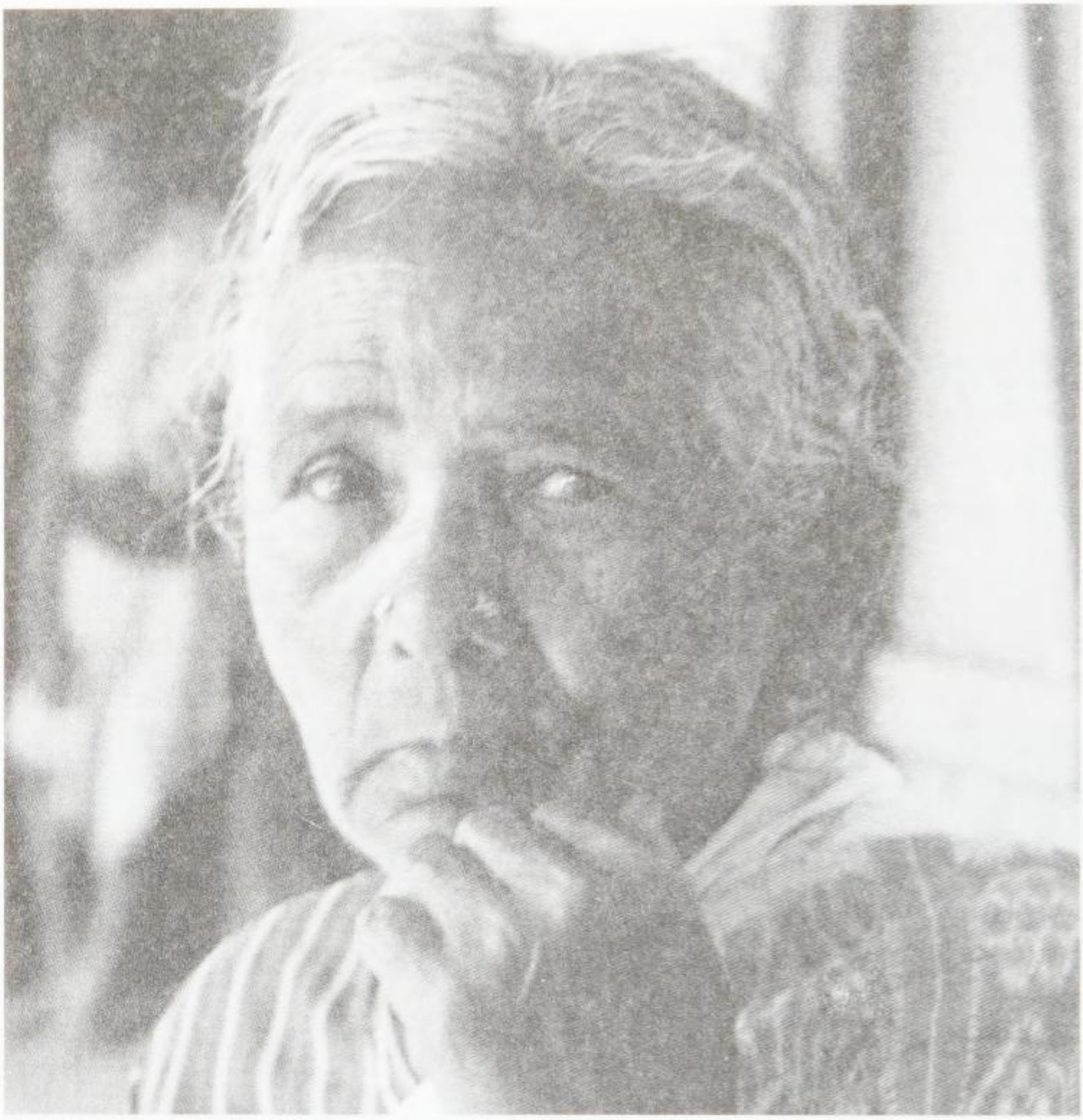
The vast majority of India's nearly one billion Hindus would be certainly ashamed of the barbarity and mayhem unleashed against the Christian minority in over 400 villages across Kandhamal. Sadly, the bullying of a community – that went on violently for weeks and continued indirectly for years with the connivance of the powers that be – laid bare the ugly face of Hindu nationalism that is being assiduously advertised as a panacea for all the ills confronting the largest democracy on the Earth.

Anguish of a Hindu mother

"My son was cut into pieces before my eyes," illiterate Ranchi Pradhan recounted the cold-blooded murder of her son Dasrath Pradhan, seven years later sitting at an old-age home in Balliguda.

"I brought a bed-sheet and covered the body parts. But they threw it off when I moved away. Then I saw a dog taking away one of the (severed) legs," Ranchi recalled the gory murder of her bachelor son who had shown the courage to stop a belligerent mob from attacking Christian houses. The Hindu social activist of Tiangia perished in the same village where half a dozen Christians had been brutally murdered by the bigots.

"They even destroyed my house (along with the Christian houses), and so I also had to move out. The body was lying there for three days until the police came and took it away. I never saw it again," recalled the mother with tear-filled eyes.



Ranchi Pradhan on August 8, 2015 - 20 days before her death

Being a social activist committed to religious harmony, Dasrath questioned the mob why they were attacking 'innocent' Christian families. "If you have any problem, let us solve it by discussing it," her son told the mob leaders. But they were furious over his support for the Christians and they attacked him.

"I am a Hindu. My son was a Hindu and I do not know why he was killed. Our own people turned our enemy," replied Ranchi when she was asked for her reaction to the targeting of her family.

"My son was a social worker who stood for the good of the society. Hindus and Christians were living peacefully," added the widow on August 8, 2015 - 20 days prior to her death at the old-age home in Balliguda.

Who is a Hindu?

The Kandhamal conflagration has exposed two types of Hindus. The first one is the vociferous brand of self-proclaimed defenders of Hinduism who would perpetrate any diabolic act on their perceived enemies. Another brand of Hinduism was on quiet display during the bloodshed. With their timely and bold interventions, indignant Hindus came to the rescue of dozens of hounded Christians.

Several such instances of Christians being saved from the clutches of blood-thirsty zealots by indignant Hindus have been already recounted. It also has accounts of how several Hindu families gave shelter to Christians even after reports of attacks on Hindus who showed sympathy to the Christians.

The silent Hindu majority in India would be proud to know that besides Dasrath, Sidheswar Pradhan of Sulesaru sacrificed his life trying to defend and protect hapless Christians. Their sacrificial act at the altar of compassion for fellow beings and social harmony reminded the world that all was not lost in the birthplace of the noble principle of *'ahimsa'* (non-violence).

Blinded by communal hatred, the saffron henchmen raped two Hindus girls while hunting for Christian targets. The vast majority of Hindus in the country would be stunned to read that Rajani Majhi, a Hindu orphan college girl who was taking care of 22 Hindu orphan boys at a Christian orphanage, was gang-raped by the self-anointed custodians of Hinduism. That too, after she was chased and brought back to the centre while she was fleeing with the tiny boys under her care. Displaying diabolic cruelty, they even burnt her alive.

These instances answered the question 'Who is a true Hindu?' – those who butchered dozens of Christians and even Hindus in the name of upholding Hindu pride or those who sacrificed their lives to protect vulnerable Christians.

'Christian' funeral for a Hindu

Ahead of the seventh anniversary of the conflagration, I ventured into Kandhamal in early August 2015 for my 21st trip. That was after reaching Bhubaneswar to appear before the Justice Naidu Commission of Inquiry to provide documentary evidence to support my findings.

During the visit, I witnessed a historic incident unprecedented in the history of Kandhamal - a Christian funeral for a Hindu. That clearly confirmed that ordinary Hindus were more than apologetic about the bloodshed and the mayhem.

Hindus struggling to make a coffin in front of the churches in Borimunda

As I entered Borimunda village, I noticed two dozen people gathered under a jackfruit tree braving a steady drizzle and making a box with wooden planks.

On passing the spot after visiting a couple of families, I asked the driver to reverse the vehicle. That was after I was told that the local Hindus were struggling to make a coffin to bury a Hindu in the Christian cemetery.

Sudho Pradhan – who died two hours before I reached the village on August 8 – had 'willed' that he should be buried only in a 'box' (coffin) under Christian tradition.

"When I die, I should be put in a box (coffin) and buried like a Christian in the cemetery," Manoranjan Pradhan, Sudho's son in law, explained as they struggled to make a coffin with the help of Christians.

"We have decided to bury him as he wished," Manoranjan said. In fact, he added that 70-year old Sudho had made history in Kandhamal on July 20, 2015 when his wife died. He made a coffin with the help of Christians for his wife and buried her in the local Christian cemetery with the consent of the local Catholic parish priest.

So, when Sudho died 20 days later, his Hindu relatives and neighbours had no doubt. It was indeed moving to see the same people – who tormented Christians, destroyed churches and even enforced a strict social boycott against the Christians for years – making a coffin in front of the two churches – remains of the destroyed church and the new one.

(A stringent social boycott had been enforced against the Christians for years in Borimunda panchayat when it was under BJP rule.)

When he brought sand in November 2010 to rebuild his house, Paulo Nayak recalled, the local saffron brigade forcibly diverted the tractor carrying the sand to the temple and fined the Hindu driver ₹ 5,051 for violating the social boycott.

The fine for violating the social boycott did not spare anyone including poor Hindu vegetable sellers. They had to shell out ₹ 100 for selling vegetable worth ₹ two to the Christians. This social boycott ended only after the BJP lost control of the Borimunda panchayat in the February 2012 election.)

Enchanted by the scene, I stayed on there for two hours and accompanied them in the funeral procession as they carried the body to the cemetery for burial.

Hindus carry the coffin of Sudho Pradhan for burial to the cemetery

As they buried Sudho's body in the cemetery with Hindu women wailing near the cross, I felt, they were also burying for good the animosity and hatred that had prompted some of them to witch hunt the Christians.

Christians ordered 'to cremate' dead

The spectacle of the Christian funeral for a Hindu that I witnessed in Borimunda brought back memories of what had happened in nearby Budamaha village during the peak of the anti-Christian violence in 2008.

All the Christians had fled to nearby jungles on August 25 after an armed mob landed in their village in trucks.

"After three days in the jungle, we decided to come back as my (82-year old) mother in law (Gunduria Nayak) was very ill. She was unable to withstand the heavy rain in the jungle," recounted 55-year old Jemarani Nayak.

The family's fear came true when they returned on August 28. Gunduria passed away within hours of their return to the village.

The Christians had little strength to dig a grave to bury her as they had been virtually starving for three days. Yet, the men went on digging a grave as Christians only buried their dead while Hindus cremated.

However, soon fundamentalists including women arrived on the scene and told them that Gunduria could be given final rites only under Hindu tradition as Christian customs would not be allowed in Kandhamal any more. "Christianity is banned here as your people have killed our Swami," the Christians were told.

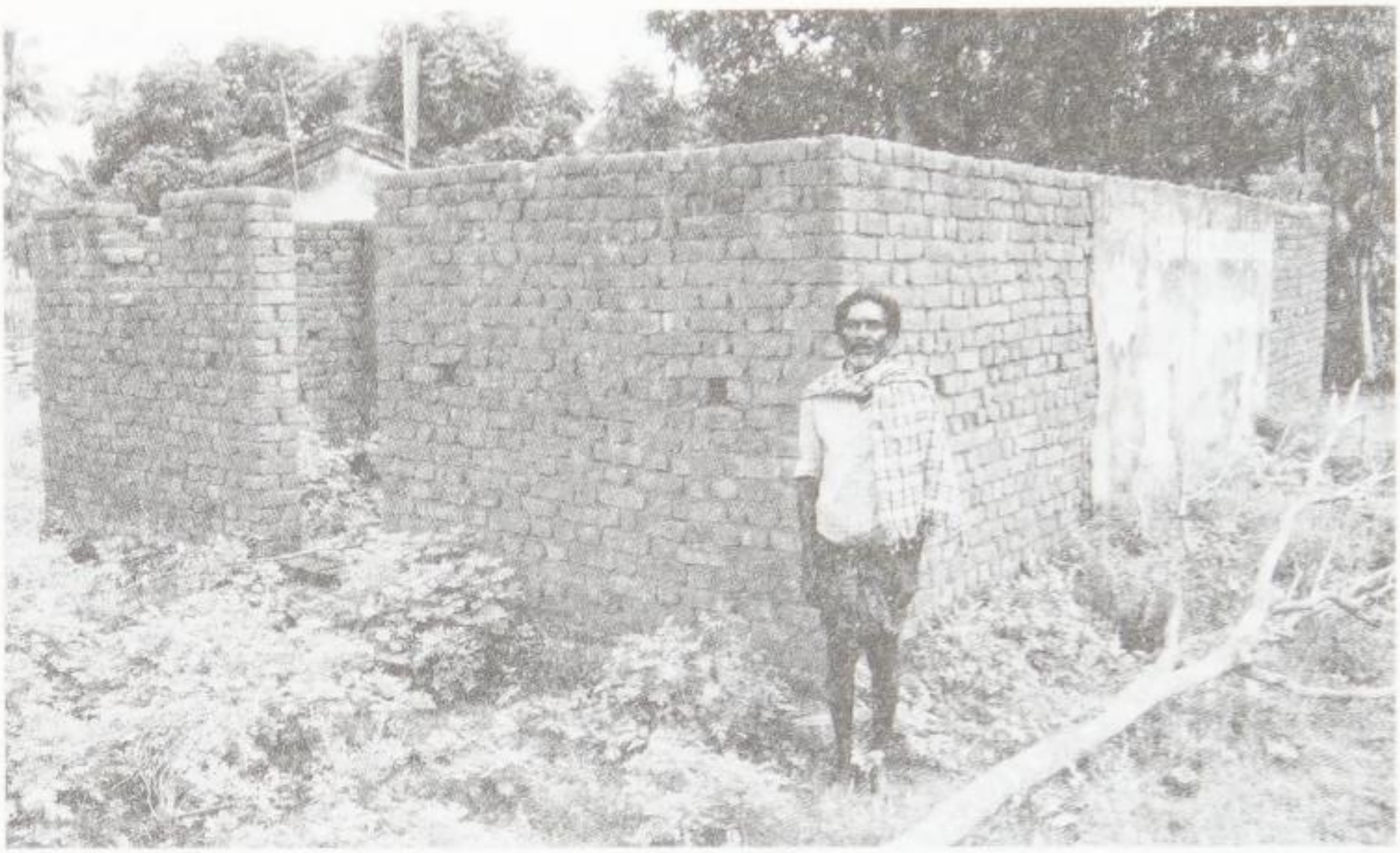
That meant they could only cremate the body. Though the Christians did try to argue with the fundamentalists, the adamant mob took away the body forcing the outnumbered hapless Christians to accompany them.

During the cremation, the bigots had even planned to throw the old lady's elder son Gabriel – husband of Jemarani – into the funeral pyre. But a sympathetic Hindu in the mob alerted the Christians about this diabolic plan and asked Gabriel to flee before the cremation. That caution saved Gabriel.

Hindu punished even after death of 'Christian' wife

The animosity against Christians in Borimunda was deeply entrenched as was evident from the plight of Jayachandra Pradhan, a Hindu labourer. His house too had been destroyed by the mob that targetted the Christians in the mayhem that followed the Swami's murder.

The reason was that Jayachandra's wife Ainabati was a Christian. It was immaterial for them that his wife had died in 2000. During a visit to Borimunda in March 2015, I met Jayachandra when he was trying to rebuild his house after nearly seven years. When I visited the village again five months later, the reconstruction had stopped due to shortage of money and the house under repair was gathering moss.



Jayachandra Pradhan's under-repair house in August 2015

"Nobody has come forward to help me so far to rebuild my house," Jayachandra said. That exposed the hypocrisy of the bigots who damaged his house. If the self-appointed custodians of Hinduism were sincerely concerned about the welfare of the members of the community, they could have lent a helping hand to rebuild the house even if it had been damaged unwittingly.

Sadly, the widower had been taking shelter in the house of his married daughter while his son Dharmaraj migrated to Kerala seeking employment as labourer.

Hindu caterer eager to help refugees

Contrary to such hostility of the saffron brigade even to the Hindus who had links with Christians, Kandhamal also recorded several instances of the compassion and tolerance of the overwhelming Hindu majority to the hounded Christians.

As the Christians were being chased out from their villages for the refusal to forsake their faith during the widespread violence, thousands fled Kandhamal for their lives.

Ranjit Nayak, a Christian social worker based in Cuttack, decided to open a refugee camp at his residence, moved by the sight of hundreds of fleeing Christians roaming on the streets. He hired

stoves and large vessels to feed the 150 homeless Christians who had taken shelter at his residence.

A local Hindu caterer, known to him, came fuming at the Good Samaritan as a temporary kitchen was being set up.

"Are you mad to do this?" he asked. The Hindu caterer, Ranjit suspected, might be angry with him for feeding the Christians who were steadfast in their faith. Maybe he was peeved over not getting the contract to feed the refugees, Ranjit guessed.

But on a lighter note, the Hindu caterer said: "Why did you hire all these? You should have just asked me. Please return all these. You can take whatever you need from my godown. If you need any help, you can always ask me."

Further he remarked: "It is the duty of all of us to take care of these hapless people."

Apologetic Hindus hold out hope

The poison of hatred had been injected deep into the minds of the Kandho tribals. Some of them had to join the thugs unwittingly to escape their wrath for non-cooperation in acts of vandalism. However, they had an uncanny sense of what was right and wrong despite many of them being illiterate and backward.

"Fatherji, we are very sorry for this. It is a shame on us. The leaders came and forced us to join them," said a couple of local Hindus as they greeted Father Jugal Kishore Digal of Mondasore when he returned to the parish in November 2008. That was after a refugee camp was opened in the devastated church compound with the CRPF guarding it.

On hearing about the return of the priest, apologetic Hindus carried for him pumpkin and other fruits in accordance with local tradition as an expression of regret for the desecration and severe damage to the century-old Mondasore church, the second oldest Catholic church in Kandhamal.

After the Christmas 2007 violence too, there had been similar expressions of regret from the Hindus around Pobingia where the church compound looked as if it had been hit by an earthquake.

Tall trees around the church had been cut down and the 15-foot concrete cross on the top of the church had been brought down with iron cutters. Everything inside the compound from the church to the priest's residence and hostel for students had been torched.

Local Hindus and Christians joined the arsonists and carried away valuables of the church including the TV set of the vicar during the attack. "Some of them had taken away these for safe keeping and returned these to me later. Since most of the assailants were from outside they could easily mingle with them," recounted Father Prasanna Kumar Singh, vicar of the parish.

Such expressions of remorse by Hindu villagers from the same area that had witnessed widespread violence showed that hope was not lost in Kandhamal despite saffron flags being hoisted on Hindu houses at the behest of the bigots. The underlying message from the remorse was that harmony and peace could be restored as the silent Hindu majority craved for.

Waning animosity in Dangdia

Dangdia village near Pobingia had witnessed forced reconversion of three dozen Christian families in 1993 during the rath yatra of Swami Laxmanananda in the area.

"We will send you to the other world (kill you) if you do not become Hindu," Paulo Digal recalled the threat before the reconversion ceremony. He had been made to drink cow dung water during the reconversion ceremony as a mark of purification.

The families that remained Christian even after the reconversion had to face the fury of the saffron mob during 2007 Christmas

violence. Their houses and the village church were razed to the ground.

When I visited Dangdia a second time in January 2012, much of the animosity of the local Hindus to the 'adamant' Christians had disappeared.

"The atmosphere is much more peaceful and relaxed here now," said beaming catechist Paulo.

Paulo with Hindu neighbours at his house

During the marriage of his daughter Asrita in September 2011, overwhelming majority of the guests were Hindus including those who had looted and damaged Christian houses.

"Many of them have already apologised and I am sure they have changed their minds," Paulo pointed out. The result was that the majority were Hindus among the bus-load of 50 guests who accompanied his daughter to her husband's house near Raikia – 70 km away – after the marriage.

"Whatever has happened is behind us. It should have never happened," said Dasrath Digal, a Hindu neighbour of Paulo, sitting on the veranda of the house of the catechist, expressing

remorse for the treatment meted out to the Christians by the Hindu majority.

"I took part joyfully in the preparation during the marriage," said Dasrath with his face lighting up.

Trinath Kanhar, who hailed from the same village and was at the time a theology student in Morning Star Theological College in Kolkata, pointed out that Hindus had reason to be angry.

In the ploy to show that they had acted, police had arbitrarily arrested even innocent Hindus coming home from outside Kandhamal while sparing the real culprits. "Police did this to save the culprits. But it led to a lot of anger among ordinary Hindus," he pointed out.

Flower from assailant on New Year day

Hippolitus Nayak, a retired government official, had a pleasant surprise on the 2012 New Year day. Lakhno Pradhan, one of the local fundamentalist leaders, who had led mob attacks on Christians and churches around Tiangia, greeted him with a flower on January 1 morning at his door.

"He apologised to me for what the Hindu mobs had done to the Christians," said Hippolitus cheerfully. "Many of the Hindus who used to keep away from us have started interacting with us now. Earlier they used to turn their faces away when they came face to face with us. There is certainly regret in them," pointed out the retired government official whose house too had been destroyed in the widespread violence.

"The animosity is certainly going down," reiterated Sushanto Nayak, president of Kandhamal Baptist Union. For instance, a Hindu trader who delivered firewood to the Baptist centre in Raikia, admitted to him that they were 'instigated and misled' to target the Christians. "The (Hindu) shopkeepers in Raikia told me that the attack on peaceful Christians was absolutely wrong. They now assure us that this will never happen again."

Melting hearts

Bamdev Kanhar of Pobingia had been a Christian baiter for long. He had led locals to join the armed bigots who were despatched to attack the St. Peter's church at Pobingia during 2007 Christmas violence. Since they could not lay hands on the parish priest Prasanna Kumar Singh while they torched the church, Bamdev had even threatened local Hindus who alerted the priest to flee in the nick of time.

But Bamdev had a change of heart like several others. He proclaimed his remorse at a 'peace meeting' of two dozen local Hindu and Christian leaders convened by the government officials to prevent anti-Christian flare-up ahead of Christmas 2010. At this peace meeting, Bamdev surprised his saffron colleagues, urging them to mend their ways and stop harassing the Christians.

"The people here are not educated much. If the leaders, who preach hatred to us, had informed and trained the people here in better farming and other concerns, life would have been much better for us," Bamdev told me in August 2012.

A month earlier when Father Ashish Parichha took charge as assistant vicar of the Pobingia parish, he had a surprise visitor one night.

"Father, you need not worry. Nothing will happen here," Father Ashish recalled the words of Bamdev. That was indeed reassuring for the young priest as Bamdev had played a key role in the arson attack on the Pobingia church during 2007 Christmas.

"We have been fooled."

"Hame ullu banaya" (We have been fooled). This is a common refrain here," remarked Ravin Chandra Sahu, a Hindu lawyer based at Balliguda.

The majority Hindus of Kandhamal, he pointed out, do not believe in the 'Christian conspiracy' behind the Swami's killing,

Keshomati Pradhan, a leading women's voice of Kandhamal

that was floated by the saffron parivar to instigate the orchestrated violence against the Christians.

"Some of those who joined the mobs now feel fooled," said the Hindu lawyer ahead of the 5th anniversary of the conflagration. The lawyer had rushed to the Balliguda police station to guide the raped nun to file an FIR on August 25, 2008 after police had rejected two drafts she had written earlier.

"Slowly, the hostility and ostracisation is declining. Brotherhood and harmony is returning," asserted Keshomati Pradhan, an illiterate but one of the leading women's activists of Kandhamal.

"Unity is being restored," said Keshomati, president of Ghumusor (Balliguda divisional area) Mahila Sanghtan – a leading women's organisation, in an interview at her home in Pitaerpi village, five km from Raikia, in October 2015.

Keshomati recalled that Hindu nationalist outfits had also branded her as part of the conspiracy and even threatened to bomb her house. "I had been very critical of Swami Laxmanananda (when he was alive) and publicly stated that he was playing with caste and religion," Keshomati admitted.

"Many people in Kandhamal know that innocent people are in jail. The real culprits have escaped," replied illiterate Keshomati who estimates her age to be around 55 years when asked whether the public was aware of the Kandhamal fraud.

"A lot of people are feeling sorry for all that has happened. We were living peacefully together. The atmosphere changed all of a sudden because of the killing of the Swami," pointed out the feisty woman leader who organised more than 5,000 women to enforce a bandh and demonstration in the entire Daringbadi block in September 2015.

"A majority of people have realised that they have been fooled," Keshomati confirmed.

Sarpanchs speak: "It will not be repeated."

Anita Mallick, sarpanch of Konjamendi gram panchayat, where the young nun was raped and paraded semi-naked along the road with bleeding elderly Father Chellan, was apologetic about what had happened.

"Outsiders did it. It was very bad," admitted the woman sarpanch. "My husband's elder brother (Prahlad Pradhan) sheltered them in his house," Anita recalled proudly how Father Chellan and the raped nun had been given shelter in the Hindu house on August 24 night.

Recalling the tragic incidents of 2008, she elaborated: "They (saffron outfits) spread the rumour that the conspiracy meeting to kill the Swami was held at the Pastoral Centre. That was how they organized the mob to torch it. Everywhere they used the same strategy."

"In the peace committee, panchayat and gram sabha meetings, these things are discussed. I tell you, it will not be repeated," asserted Anita who was elected Konjamendi sarpanch in 2012 panchayat elections.

Trinath Mallick, sarpanch of Dadingia near Raikia, too shared this optimism in an interview in February 2016.

After the rumour that Christians had killed the Swami spread, Trinath said, the Sangh Parivar took advantage and Christian targets in village after village were attacked mostly during nights. "It was very much organised and people were given drinks," he added.

"Initially, we also believed it (Christian conspiracy) was true. Slowly, the people have realised the mistake. Truth is truth. But at the time, we did not know the reality," admitted Trinath.

"One thing I can assure you. It will not be repeated," the sarpanch reiterated.

"Many people," he said, "now regret their involvement in the violence. They had to sell their lands to fight (riot) cases. They have also lost livelihood."

On the positive side, he noted: "The calamity of 2008 has weakened the fundamentalist forces. It has shaken their foundations. There used to be (saffron) marches and rallies often. All that has ended now."

"Now, people do not want to discuss religion. They are more interested in livelihood and development," the sarpanch pointed out.

"Sir, the rumour and the (saffron) colour have gone," admitted Prasant Pradhan, Raikia block youth secretary of Kui Samaj that was earlier known for working in tandem with the Sangh Parivar.

Odia media speaks out

A major section of the media in Odisha rewrote the Kandhamal script following the release of the first edition of this book at the Press Club of Odisha in Bhubaneswar on September 22, 2016.

"People have been fooled", read the headline in the *'Sambad'* - Odisha's leading daily. *"Truth Vs Hype: Probe Report of Swami Laxmanananda's murder released,"* *'Orissa Post'* titled its report on the

investigative book projecting as if it was an official report while *'Nitidin'* declared: *"The book 'Who killed Swami Laxmanananda?' speaks truth."*

"The nationally acclaimed book lays bare one of the biggest frauds in the nation's history and travesty of justice with the murder of Swami Laxmanananda Saraswati in August 2008 and the consequent orchestrated bloodshed in Kandhamal," wrote *'The Pioneer'* English daily on the fraud exposed by the investigative book.

Yet even after a year, the seven innocent Christian convicts continue to languish in jail while the enquiry report of *Justice Naidu Commission* submitted to the government on December 22, 2015 remained in cold storage even after two years.

No 'harvest of hate' from Kandhamal

"Kandhamal is changing. All that happened is behind us," said Prashant in February 2016.

The political mascot of the Sangh Parivar, the BJP had drawn a blank in Kandhamal in the 2014 Assembly elections. That was a huge set back as it had won two of the three assembly seats from Kandhamal in the 2009 election that was held in the aftermath of the orchestrated violence.

The star winner of 2009 was none other than its controversial candidate Manoj Pradhan, accused in seven murders, being elected from behind bars.

Even before the 2014 drubbing, the BJP realised that the '*law of diminishing marginal returns*' had caught up with its divisive politics of hatred. Hence, the party did not dare to re-nominate Manoj in the 2014 election. Ashok Sahu who had been a key manager of the saffron propaganda machine too had been unceremoniously dumped by the party.

In fact, the writing on the wall was clear in 2012 itself. The saffron party had lost control of several panchayats like Borimunda in the local body election of February 2012.

Even in the first election to the Notified Area Council (NAC) of Balliguda - a BJP stronghold for long - held in January 2016, the BJP could win only a single seat out of 13 seats in the newly-constituted Council.

The simple folks of Kandhamal have made amends for what happened in 2008 by rejecting the divisive politics of hatred.

Though the Sangh Parivar may denounce him, Kandhamal has indeed proved right Mahatma Gandhi, the Father of the Nation and prophet of non-violence: "What is obtained by hatred proves a burden in reality for it increases hatred."[256]

[256] 'Love', Quotations of Mahatma Gandhiji, www.gandhiworld.in

Satyameva Jayate

The ancient heritage and wisdom of the nation is encrypted in the motto the architects of the Indian republic adopted for its posterity. Every Indian should feel proud that the nation has a wonderful motto in *'Satyameva Jayate'* meaning 'Truth alone triumphs'.

This motto, taken from the Mundaka Upanishad, is displayed prominently all over from majestic government buildings to the cars of the VIPS and even the petty coins the masses carry in their pockets. However, vested interests and even those who hold authority have displayed scant respect to this grand motto.

If the motto of the nation had been upheld by constitutional authorities visa-a-vis Kandhamal, this book would not have been even penned. Justice and truth go hand in hand. The travesty of justice in Kandhamal is rooted in a colossal fraud that was perpetrated by forces that seem to have their motto as '*Asatyameva Jayate*' (Falsehood alone triumphs).

The mysterious murder of Swami Laxmanananda and the conviction of seven innocent accused for the same challenge the very motto of the nation. The travesty of justice in Kandhamal makes a mockery of the grand safeguards guaranteed under the Constitution.

The seven innocent convicts from Kandhamal cry out for justice. Let the custodians of the Statute wipe out the stain that has gathered on the face of Mother India and its motto with the Kandhamal fraud and the subsequent travesty of justice!

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Appendix

Brief Facts of the Case

Complainant Brahmachari Madhav Chaitanya of Jalespeta Ashram, Jalespeta, PS-Tumudibandh lodged a written report to SI M. Jena Samanta, the them OIC of Tumudibandh PS. On 23.8.08 at 11.15 PM at the Ashram to the effect that, on the same day night about 7.55 PM about 20 to 25 accused persons armed with guns forcibly entered into the Ashram and opened fire(d) on the ashram inmates as a result of which Swami Laxmanananda Amritanand, Maa Bhaktimayee, Kishore Baba and Puranjan Gantha died at eh spot. On receipt of this report SI M.S.Jena Samanta registered Tumudibandh PS Case No.37/08 dt.23.03.08 u/s 147/ 148/ 452/302 /149/ 120 (b) IPC r/w 25 (A) (I-B) Arms Act and took up investigation of the case. Sri. Sridhar Mohanta, the then SDPO Baliguda took charge of the investigation of this case from SI M.S. Jena Samanta on 28.08.08.

In obedience to the Office Order No. 300/CID dt.28.08.08, I took charge of investigation of this case from Sridhar Mohanta, SDPO, Baliguda on 28.08.08 PM after this case has been re-registered as CID, CB, PS Case No. 37/08 dt. 28.08.08, u/s 147/148/ 452/302 /149/ 120 (b) IPC r/w 25 -A (I-B) Arms Act. During investigation, the then IO SI M.S. Jena Samanta visited the spot and prepared a spot map. The spot in this case is "Sankaracharya Sanskruta Kanyashram" which is locally known as Jallespeta Ashram. It is located about 4 Kms North to Tumudibandh PS on the western side of NH-217 connecting Tumudibandh to Phulbani. It has a boundary of pucca fencing covering about 6 Acres of land. There are two rows of rooms in this Ashram in addition to hostel building for girls, puja mandap and community kitchen. The incident of killing is confined to these two rows of rooms situated close to the Southern boundary wall of the Ashram. One row consisting of four rooms on South-North line was occupied by Swami Laxmanananda Saraswati, Maa Bhaktimayee and other inmates. The other row of rooms constructed on East-West line are located close to the Southern

Boundary wall of the Ashram. It is meant to accommodate the guests of the Ashram. While effecting entrance, some of the accused persons sealed over the wall of Southern side and then opened the small door affixed to the boundary wall for entrance of Ashramites. The other accused persons entered in to the Ashram through this door and opened fire and killed Swami Laxmanananda and four others. It is ascertained during investigation that, the accused persons stole the cell phone of Amritananda bearing No. 9438039895. Some of the accd. persons wore masks and they overpowered the Constables on duty for security in front of the Ashram. Before, decamping the accused persons left a letter written in Oriya disclosing that the Maoist of Bansadhar Division have executed the killing. The letter is signed on "Ajad" in English with heading as press note. SI M.S. Jena Samanta during the spot visit seized this letter, fired bullets laying at the spot and a lathi. He sent requisition to So, DFSL, Phulbani, who visited the spot and collected fired bullets, blood stains of the deceased and took photograph of the scene of crime. The fired bullets collected by SO, DFSL, Phulbani and the blood stains were seized. Prior to this occurrence there was a anonymous thread letter received at Jallespeta Ashram on 22.8.08. This letter was handed over to Tumudibandh PS for necessary protection. In this letter Swami Laxmananda Saraswati was warned to desist himself from fanning communalism or else he will be kidnapped and deal with severely. The then OIC, M.S Jena Samanta made Station Diary, the extract of which has been collected during investigation and the original letter could not be traced.

During revisit of the spot at the time of Crime Branch investigation, some more bullets were found by the ashram inmates and the same were seized in this case were sent to SFSL, Rasulgarh, BBSR through SDJM, Baliguda for opinion of Ballistic Export and Chemical Analysis. The Ballistic and Biological Test of the exhibits were made at SFSL, Rasulgarh and it is opined in the Ballistic report that the bullets are of 7.62mm, AK-47

Rifle, other bullets are fired through 9mm pistols. The biological test report reveals that, fired bullets and blood stained exhibits contain human blood which are of B and O groups.

In course of investigation, some suspects were interrogated and were let off after lie detection. Portrait of the accused persons were built for identification and were published. It is ascertained during investigation that some of the accused persons, while retreating after the crime had been to the house of one Uttam Gauntia of Village Madaguda and asked him for some liquor on 23/24.08.08 night at about 12.30 AM. Uttam Gauntia had identified accused Budhadev Naik, Munda Badamajhi, Sanatan Badamajhi and Duryodhan Sanamajhi who were carrying guns. These accused persons in course of conversation disclosed to Uttam Gauntia that they had killed Laxmanananda Saraswati and were retreating after the crime. The houses of the accused persons were searched and two muzzle loading guns were seized from the houses of the accused Duryodhan Sanamajhi and Munda Badamajhi, without any license. One shirt with holes which is used as mask was recovered from the house of Sanatan Badamajhi. The accused persons were arrested on 5.10.08 and forwarded to court on 6.10.08. They were brought on police remand for interrogation. During interrogation the accused persons disclosed the names as Ajad, Budhadev Naik, Garnath Challanseth, Bijay kumar Sanseth and Bhaskar Sunamanjhi as other accused in this case. The Seized guns were sent to SFSL, Rasulgarh through SDJM, Baliguda for Ballistic opinion. On examination, the Ballistic expert opined that, residues of fired nitro propellant were detected from the barrels. The killing range of both the fire arms are 15 meters. Both the fire arms comes under the preview of Indian Arms Act. During investigation one register containing entries on resolutions and signatures with the cover where it is written as "Betticola Parish Counsil" has been seized and the origin of the contents and genuineness of the Register are under verification.

The PM reports of the deceased persons Swami Laxmanananda, Amritanand, Maa Bhaktimayee, Kishore Baba and Puranjan Gantha were received. The MOs opined that the course of death is caused by fire arms from near range distance. Querry was made to the MOs to opine whether any of the gun shot wound is possible by muzzle lading gun. In reply the Medical Officer opined that the gun shot injury found on the dead body of Maa Bhaktimayee is possible by muzzle loading gun.

Investigation further reveals that, the accused persons conspired to kill Laxmanananda Saraswati. The conspiracy was made by the above accused persons & Ajad one of the Maoist leader with his followers. Accused persons Budhadev Naik, Garnath Challanseth, Bhaskar Sanamajhi and Bijay Kumar Sanseth were arrested on 14.12.08 and forwarded to the Court on 15.12.08. The complicity of Bhaskar Sunamajhi has been established on the statement of Prasant Parida, who's statement has been recorded. Two cell phones bearing number 9437992341 of Garnath Challanseth and No.9437973341 of Bijay Kumar Sanseth were seized from respective accused persons and call details of both the cells were retrieved from BSNL Office for analysis. During analysis it is found that both the cell phones had no incoming nor any outgoing calls on 23.08.08, the night on which Laxmanananda was killed. Further analysis is continuing in this Test and the polygraph export opined that the accused persons gave deceptive replies concealing the truth. The DGM, Telecom has been examined, who proved the ownership of the cell phones by the above two accused persons from the documents maintained at the BSNL Office. Requisition has been sent to seize these documents. Sanction Order of Dist. Magistrate and Collector, Phulbani was obtained against accused persons Duryodhan Sanamajhi and Munda Badmajhi to prosecute them u/s 25/27 Arms Act with criminal conspiracy.

SP, CID, CB, Orissa, Cuttack has supervised this case and found the case to be a true case u/s 449/ 380/ 302/ 120 (B)/ 34 IPC r/w 25/27 Arms Act. Compliance to the instructions submitted and order was obtained to prosecute the accused persons Duryodhan Sanamajhi, Munda Badamajhi, Sanatan Badamajhi, Budhadev Naik, Garnath Challanseth, Bijay Kumar Sanseth and Bhaskar Sanmajhi u/s 449/ 302/ 380/ 120 -B / 34 IPC r/w Section 25/27 Arms Act. The investigation of this case is in progress and more accused persons are to be arrested in this case. Further evidence against involved accused persons is a certainty after arrest of Ajad, the Maoist leader and his associates with other accused persons.

As there is prima-facie evidence well established against the accused persons to have committed the offence u/s 449/ 302/ 380/ 120-B / 34 IPC r/s Section 25/27 Arms Act. I place CS against accused persons Duryodhan Sanamajhi, Munda Badamajhi, Sanatan Badamajhi, Budhadev Naik, Garnath Challanseth, Bijay Kumar Sanseth and Bhaskar Sanmajhi to stand trial in the Court of Law with a prayer to Court that, the investigation of this case may kindly be allowed to kept open as per Section 173, Clause (8) of Criminal Procedure Code.

Dispatched at 11….. AM./PM/ .....

Signature of the investigating Officer

submitting the complaint.

Name….. S.K. Pattnaik

Signature of the O.I.C

Rank…… DySP, CID, CB,

Orissa, Cuttack……..

Personal Number, if any .....

Date …30.01.2009

Abbreviations

BDO	Block Development Officer
BJD	Biju Janata Dal
BJP	Bharatiya Janata Party
CBCI	Catholic Bishops Conference of India
CBI	Central Bureau of Investigation
CRPF	Central Reserve Police Force
DM	District Magistrate
DGP	Director General of Police
DIG	Deputy Inspector General
FIR	First Information Report
HRLN	Human Rights Law Network
IANS	Indo Asian News Service
IIC	Inspector-In-Charge
IJPHR	Initiative for Justice, Peace and Human Rights
IMR	Infant Mortality Rate
IPC	Indian Penal Code
KCBC	Kerala Catholic Bishops Council
MARG	Multiple Action Research Group
MLA	Member of Legislative Assembly
MP	Member of Parliament
NCM	National Commission for Minorities

NDA	National Democratic Alliance
NHRC	National Human Rights Commission
NIA	National Investigation Agency
PUCL	People's Union for Civil Liberties
RSS	Rashtriya Swayamsevak Sangh
SIT	Special Investigation Team
UPA	United Progressive Alliance
VHP	Vishva Hindu Parishad
WCC	World Council of Churches
YMCA	Young Men's Christian Association

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Tributes to the Book

"The atrocities and the fraud committed in Kandhamal in 2008, now brought to the fore, may irk the conscience of people even belatedly... The entire episode of Kandhamal requires another look."

Kuldip Nayar

Veteran journalist and author in his Foreword

"This work by Anto Akkara, based on persistent investigation in pursuit of truth explodes many myths spread by communal forces and prejudiced minds. This greatly helps the process of justice for the innocent and punishment for the guilty for the crimes in Kandhamal."

Prof Manoranjan Mohanty

Centre for Social Development at New Delhi launch

"Judiciary should have followed the modus operandi of Mr. Anto Akkara - relentless pursuit of truth. This book is a caution to the country on misinformation.... Mr. Anto has brought respect and standards to journalism."

Prof G Haragopal

National Law University at Hyderabad launch

"The author has done a brilliant job tracking and systematically documenting the developments on Kandhamal."

Vasanth Kannabiran

Director, Asmita at Hyderabad launch

"Journalist Anto Akkara's book … is a bold investigation on the murky politics of Hindutva forces. This book reinforces the demand for reinvestigation of the entire episode of Kandhamal."

Jeevan Kumar

President, Human Rights Forum at Hyderabad launch

"This book *'Who Killed Swami Laxmanananda?'* has answers, extremely well documented answers."

Varghese Theckaneth SG

Eminent social activist at Hyderabad launch

"This book is a painstaking, accurate research work on the murder of Swami Laxmanananda. So much brutality was unleashed on the pretext of this murder. The author has done a meticulous investigation and shown that the propaganda that Christians murdered the Swami, has nothing to do with truth. It is a brave and honest exposition of the reality.

Ram Puniyani

Social critic and columnist, Mumbai

"This book delves deep into the sources of the rumours and propaganda that led to the Kandhamal conflagration. One could feel the dedication of a journalist going all out to unearth the truth behind Kandhamal fraud. Writing an investigative book is tougher than penning a philosophical or fictional work."

Prof M K Sanoo

Eminent Malayalam litterateur at Kochi launch

"After going through these pages, my prayer is that 'My God, let not such things ever happen on this earth'. This book stirs one's conscience."

John Paul

Popular film script writer at Kochi launch

"The content of the book has grave implications for Indian democracy…This is a wake-up call for the nation."

Ravivarma Kumar

Former Advocate General of Karnataka at Bangalore launch

"Even on a cursory reading, it is clear that there has been an abuse of the judicial process…I congratulate Anto Akkara for bringing the shocking facts about Kandhamal to the national attention with his arduous research."

Gauri Lankesh

Editor, 'Lankesh Patrika' at Bangalore launch

"This book lays out the agenda of hate of the Sangh Parivar… Anto's book is part of the struggle between powerful vested interests promoting inequality and hierarchy versus equality. It reads like a detective novel."

Ambrose Pinto

Jesuit social analyst at Bangalore launch

"Christians were blamed for Swami Laxmanananda's murder. It was a plot against Christians. It was an injustice to the truth. Police arrested seven innocents instead of the culprits. Let the truth come out."

Prafulla Samantara

President, Lokshakti Abhijan at Bhubaneswar launch

"This Book *'Who Killed Swami Laxmanananda?'* could be used as a source for government for professional investigation, a source for pursuing justice."

Dhirendra Panda

Convener, Civil Society Forum for Human Rights at Bhubaneswar launch

"The real culprits are at large and innocent people have been convicted. I wish the shocking facts brought out by this book will help get justice for the innocents languishing in jail."

Narendra Mohanty

Convener, Campaign Against Fabricated Cases at Bhubaneswar launch

"With evidences knit together like a garland, the book forcefully proves that the allegation that 'Christians killed the Swami' is itself a concocted conspiracy. Yet seven innocent Christians have been convicted to life imprisonment for the murder of the Swami. A fresh probe must be held to find out who killed the Swami. It is necessary to release the innocents and punish the real culprits."

Pinarayi Vijayan, *Kerala Chief Minister*

during Malayalam translation release at Thiruvananthapuram

"The wealth of hitherto unknown information which the author has unearthed goes to prove that there was a well-planned conspiracy behind Kandhamal riots… With remarkable tenacity and commitment, Anto has unravelled the conspiracy which led to the atrocities with the diligence of an accomplished historian."

K N Panikkar

Eminent historian at Thiruvananthapuram

"This is a historical work of investigative journalism. For the first time, a journalist has gone deep into a riot - from its roots to the prosecution process and verdict. After going through this (book) my only prayer is that these things should not be true - that police who were supposed to protect the victims played a role in the conviction of innocents."

Alexander Jacob

Former Director General of Police, Kerala, at Thiruvananthapuram

"This book portrays the telling scene of how democracy collapses under fascist influence. It has produced evidences of the pillars of democracy acting in tandem to perpetrate a conspiracy against truth. It is a perfect model of objective investigation. It must be acknowledged and celebrated as a weapon in the armoury for the fight against growing fascism."

K Satchidanandan,

Eminent litterateur at Kozhikode launch

"Truth alone triumphs. This is a slogan of the ancient Indian culture. Anto Akkara has shown with this book how journalism can be used to make sure that truth wins. With this investigate book, the author proves himself as a true journalist carrying the stamp of the ancient Indian culture." **Swami Viswabadrananda Saktibodhi,** *Outspoken Hindu monk* at Thrissur launch

"**Reasonable Doubt - The questionable convictions in Swami Laxmanananda's murder...** It is not uncommon for prisoners to claim that they have been wrongly convicted. In the case of Lakshmanananda's killing, however, there is a considerable body of material to support the men's claims—much of which is collated in a 2016 book titled *Who Killed Swami Laxmanananda?* by the journalist Anto Akkara." **'Caravan' magazine**, October 1, 2017

"Anto's latest book titled *Who Killed Swami Laxmanananda?* with a Foreword by Kuldip Nayar ...has succeeded in smashing to smithereens the claim that the murder was the result of a Christian conspiracy." **'Indian Currents'** weekly, November 18, 2017

"I congratulate the author. Are they delaying the judgment (on the appeal of the convicts) because they don't want to answer the question 'Who killed the Swami?' ...Everybody knows who killed the Swami. But they just do not want to say it." **John Dayal,** *spokesperson of United Christian Forum* at launch of revised edition in New Delhi

"This book throws light on what happened in Kandhamal and what is happening now.... We need a loving and compassionate India. But that is absent now." **D Raja,** *general secretary of CPI* at launch of revised edition in New Delhi

"Akkara's book has brought out the absurdities and discrepancies of the judgement convicting seven persons in the case wherein a resolution of a church, that later turned out to be fudged, is the only evidence. The judgement based on manufactured evidences is the most outrageous travesty of justice. This judgement will be known as 'what a judgement should not be'.

I congratulate Akkara, for this wonderfully and meticulously documented revised edition."

Brinda Karat, *CPM politburo member* at launch of revised edition in New Delhi

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Who Killed Swami Laxmanananda?

"The actual intention of Europe, US, the Pope and Sonia Gandhi was to convert the entire region into the independent Christian land."

Thus spake Swami Laxmanananda Saraswati in an interview featured in a documentary titled 'The Agony of Kandhamal'.

However, he added, *"God has sent me from Himalaya and it was stalled. That is why their campaign was to drive away Swamiji and create a Christian land. As long as I am alive I shall not let you do that."*

This boastful claim seemed to have been capitalised by vested interests. The Swami along with four others were mysteriously murdered on the sacred Janmashtami night in August 2008.

Since the Swami had named even the Pope and Sonia Gandhi as people who considered him a threat to the Christianisation of Kandhamal, it was easy to spread the rumour that Christians had killed him.

The Sangh Parivar's wild calculation was that when Christians in Kandhamal were brutalised, international Christian lobby would force Sonia Gandhi (of Italian Catholic origin and UPA chairperson) to dismiss the Odisha government in which the BJP was a coalition partner. That would pave way for the BJP to sweep the 2009 election. But intelligence agencies smelt it and the UPA government did not step on the Kandhamal landmine. This is confirmed from UN corridors.

The fact that the Swami was assassinated on Janmashtami night leads to the conclusion that the forces behind his murder had envisaged the subsequent collateral damage.

Dozens of Christians were killed, 300 churches and 6,000 houses looted and plundered in unabated violence. That would explain the rationale behind the zigzag funeral procession crisscrossing Kandhamal for two days.

The orchestrated propaganda the dubious 'India Foundation' carried out to foist conspiracies about Kandhamal across the world leads to the logical question: if Christians had conspired to kill the Swami why should the top Sangh Parivar leadership risk their reputation to enact a fraud of Himalayan proportion?

The 'India Foundation' and the 'The Agony of Kandhamal' documentary it brought out have blown the lid off the Kandhamal fraud.

The travesty of justice, illustrated in-depth in *Part II* of this work, the black out and stoic silence of the National Human Rights Commission on Kandhamal - all point the needle of suspicion in one direction only.

Yet, seven innocent Christians continue to languish in jail, convicted to life imprisonment, for a crime they never committed.

Who Killed Swami Laxmanananda?

Anto Akkara

"**Kandhamal tale in new light...** The book... gives details about sequence of events demolishing the theory of Christian conspiracy."

The Telegraph

"**Christian community falsely framed in Saraswati killing - Book**"

PTI (Press Trust of India)

"**All about Swami Laxmanananda's murder case**... The author questioned the conviction of 7 persons... (for) the killing of Swami Laxmanananda and claimed that there was a 'hidden agenda by the rightwing communal forces' behind the murder."

The Hindu

"**Book on Kandhamal violence launched**... The communal riots in Kandhamal has not stirred the National Human Rights Commission as it is yet to release a statement on the violence."

The Times of India

"**Book - Who Killed Laxmanananda? Unveiled...** The nationally acclaimed book lays bare one of the biggest frauds in the nation's history and travesty of justice with the murder of Swami Laxmanananda... and consequent orchestrated bloodshed."

The Pioneer

"**Book On Kandhamal - A Wake-Up Call For The Nation**"

Counter Currents

"**People have been fooled...** The author has produced evidence to prove his claims."

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"**The Book 'Who killed Swami Laxmanananda?' speaks truth.**"

Nitidin ('Everyday' - Odia daily)

"**Book questions conviction of Christians in Kandhamal violence**"

India Today

"**Questions Over Alleged Cover-Up of Kandhamal Killings...** Politicians, rights activists demand probe into circulation of hate literature following Swami Laxmanananda's murder."

The WIRE

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